



# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-सा.-05122023-250426  
CG-DL-W-05122023-250426

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY  
साप्ताहिक  
WEEKLY

सं. 47] नई दिल्ली, नवम्बर 19—नवम्बर 25, 2023, शनिवार/कार्तिक 28—अग्रहायण 4, 1945  
No. 47] NEW DELHI, NOVEMBER 19—NOVEMBER 25, 2023, SATURDAY/KARTIKA 28—AGRAHAYANA 4, 1945

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

वित्त मंत्रालय  
(वित्तीय सेवाएं विभाग)

नई दिल्ली, 26 सितम्बर, 2023

का.आ. 1775.—भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 8 की उपधारा (4) के साथ पठित धारा 8 की उप-धारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री एम. राजेश्वर राव (जन्म तिथि 28.4.1961) को दिनांक 9.10.2023 से एक वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, भारतीय रिजर्व बैंक के उप-गवर्नर के पद पर पुनर्नियुक्त करती है।

[ई.फा. सं. 1/1/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

**MINISTRY OF FINANCE****Department of Financial Services**

New Delhi, the 26th September, 2023

**S.O. 1775.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 8 of The Reserve Bank of India Act, 1934, read with sub-section (4) of section 8 thereof, the Central Government hereby re-appoints Shri M. Rajeshwar Rao (Date of Birth: 28.4.1961) as Deputy Governor, Reserve Bank of India for a period of one year with effect from 9.10.2023, or until further orders, whichever is earlier.

[eF. No. 1/1/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 5 अक्टूबर, 2023

**का.आ. 1776.**—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 20 की उपधारा (1) के साथ पठित धारा 19 के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा, श्री दिनेश कुमार खारा (जन्म तिथि: 28.8.1961), अध्यक्ष, भारतीय स्टेट बैंक के कार्यकाल को दिनांक 6.10.2023 के उपरान्त उनके 63 वर्ष की आयु प्राप्त करने तक अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[ई.फा.स.2/1/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 5th October, 2023

**S.O. 1776.**—In exercise of the powers conferred by clause (a) of section 19 read with sub-section (1) of section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, hereby extends the term of office of Shri Dinesh Kumar Khara (DoB: 28.8.1961), Chairman, State Bank of India beyond 06.10.2023 till he attains the age of 63 years, or until further orders, whichever is earlier.

[eF. no. 2/1/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 5 अक्टूबर, 2023

**का.आ. 1777.**—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 20 की उपधारा (1) के साथ पठित धारा 19 के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा, श्री अश्विनी कुमार तिवारी (जन्म तिथि: 29.12.1967), प्रबंध निदेशक, भारतीय स्टेट बैंक के कार्यकाल को दिनांक 27.1.2024 के उपरान्त आगे दो वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[ई.फा.स.2/1/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, dated 5th October, 2023

**S.O. 1777.**—In exercise of the powers conferred by clause (b) of section 19 read with sub-section (1) of section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, hereby extends the term of office of Shri Ashwini Kumar Tewari (DoB: 29.12.1967), Managing Director, State Bank of India for a period of two years, beyond 27.1.2024, or until further orders, whichever is earlier.

[eF. no. 2/1/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2023

**का.आ. 1778.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा बैंक ऑफ महाराष्ट्र के महाप्रबंधक श्री संजय रुद्र (जन्म तिथि: 8.6.1966) को कार्यभार ग्रहण करने की तारीख से अधिवर्षिता की आयु प्राप्त करने की तारीख (अर्थात् दिनांक 30.6.2026) तक अथवा अगले आदेशों तक, जो भी पहले हो, यूनियन बैंक ऑफ इंडिया में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[ई फा. सं. 4/1(i)/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 9th October, 2023

**S.O. 1778.**—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby appoints Shri Sanjay Rudra (DoB: 8.6.1966), General Manager, Bank of Maharashtra as Executive Director, Union Bank of India with effect from the date of assumption of office and up to the date of his attaining the age of superannuation (i.e., 30.6.2026), or until further orders, whichever is earlier.

[eF. no. 4/1(i)/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2023

**का.आ. 1779.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, यूनियन बैंक ऑफ इंडिया के मुख्य महाप्रबंधक श्री लाल सिंह (जन्म तिथि: 11.1.1967) को कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, बैंक ऑफ बड़ौदा में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[ई फा.सं. 4/1(ii)/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, dated the 9th October, 2023

**S.O. 1779.**—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby appoints Shri Lal Singh (DoB: 11.1.1967), Chief General Manager, Union Bank of India as Executive Director, Bank of Baroda for a period of three years with effect from the date of assumption of office, or until further orders, whichever is earlier.

[eF. no. 4/1(ii)/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2023

**का.आ. 1780.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, पंजाब नैशनल बैंक के मुख्य महाप्रबंधक श्री बिभु प्रसाद महापात्र (जन्म तिथि: 22.6.1966) को कार्यभार ग्रहण करने की तारीख से अधिवर्षिता की आयु प्राप्त करने की तारीख (अर्थात् दिनांक 30.6.2026) तक अथवा अगले आदेशों तक, जो भी पहले हो, पंजाब नैशनल बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[ई फा.सं. 4/1(iii)/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 9th October, 2023

**S.O. 1780.**—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby appoints Shri Bibhu Prasad Mahapatra (DoB: 22.6.1966), Chief General Manager, Punjab National Bank as Executive Director, Punjab National Bank with effect from the date of assumption of office, up to the date of his attaining the age of superannuation (i.e. 30.6.2026), or until further orders, whichever is earlier.

[eF. no. 4/1(iii)/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2023

**का.आ. 1781.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, बैंक ऑफ इंडिया के मुख्य महाप्रबंधक श्री शिव बजरंग सिंह (जन्म तिथि: 1.3.1967) को कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, इंडियन बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[ई फा.सं. 4/1(iv)/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 9th October, 2023

**S.O. 1781.**—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby appoints Shri Shiv Bajrang Singh (DoB: 1.3.1967), Chief General Manager, Bank of India as Executive Director, Indian Bank for a period of three years with effect from the date of assumption of office, or until further orders, whichever is earlier.

[eF. no. 4/1(iv)/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2023

**का.आ. 1782.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1980 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, पंजाब एण्ड सिंध बैंक के महाप्रबंधक श्री रवि मेहरा (जन्म तिथि: 26.12.1966) को कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, पंजाब एण्ड सिंध बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[ई फा.सं. 4/1(v)/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 9th October, 2023

**S.O. 1782.**—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, Central Government hereby appoints Shri Ravi Mehra (DoB: 26.12.1966), General Manager, Punjab & Sind Bank as Executive Director, Punjab & Sind Bank for a period of three years with effect from the date of assumption of office, or until further orders, whichever is earlier.

[eF. no. 4/1(v)/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2023

**का.आ. 1783.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री स्वरूप दास गुप्ता के स्थान पर यूनियन बैंक ऑफ इंडिया के मुख्य महाप्रबंधक श्री राजीव मिश्र (जन्म तिथि: 5.2.1972) को दिनांक 1.3.2024 को या उसके पश्चात् कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, बैंक ऑफ इंडिया में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[ई फा.सं. 4/1(vi)/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 9th October, 2023

**S.O. 1783.**—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby appoints Shri Rajiv Mishra (DoB: 5.2.1972), Chief General Manager, Union Bank of India as Executive Director, Bank of India for a period of three years with effect from the date of assumption of office on or after 1.3.2024, or until further orders, whichever is earlier, vice Shri Swarup Dasgupta.

[eF. no. 4/1(vi)/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2023

**का.आ. 1784.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, केनरा बैंक के मुख्य महाप्रबंधक श्री भवेन्द्र कुमार (जन्म तिथि: 3.10.1967) को कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, केनरा बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[ई फा.सं. 4/1(vii)/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 9th October, 2023

**S.O. 1784.**—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby appoints Shri Bhavendra Kumar (DoB: 3.10.1967), Chief General Manager, Canara Bank as Executive Director, Canara Bank for a period of three years with effect from the date of assumption of office, or until further orders, whichever is earlier.

[eF. no. 4/1(vii)/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2023

**का.आ. 1785.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री इमरान अमीन सिद्दीकी के स्थान पर बैंक ऑफ बड़ौदा के मुख्य महाप्रबंधक श्री ब्रजेश कुमार सिंह (जन्म तिथि: 23.4.1969) को दिनांक 10.03.2024 को या उसके पश्चात् कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, इंडियन बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[ई फा.सं. 4/1(viii)/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 9th October, 2023

**S.O. 1785.**—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby appoints Shri Brajesh Kumar Singh (DoB: 23.4.1969), Chief General Manager, Bank of Baroda as Executive Director, Indian Bank for a period of three years with effect from the date of assumption of office on or after 10.3.2024, or until further orders, whichever is earlier, vice Shri Imran Amin Siddiqui.

[eF. no. 4/1(viii)/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2023

**का.आ. 1786.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री बी. विजय कुमार ए. के स्थान पर इंडियन बैंक के मुख्य महाप्रबंधक श्री रोहित ऋषि (जन्म तिथि: 4.4.1969) को दिनांक 1.11.2023 को या उसके पश्चात् कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, बैंक ऑफ महाराष्ट्र में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[ई फा.सं. 4/1(ix)/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 9th October, 2023

**S.O. 1786.**—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby appoints Shri Rohit Rishi (DoB: 4.4.1969), Chief General Manager, Indian Bank as Executive Director, Bank of Maharashtra for a period of three years with effect from the date of assumption of office on or after 1.11.2023, or until further orders, whichever is earlier, vice Shri B. Vijay Kumar A.

[eF. no. 4/1(ix)/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2023

**का.आ. 1787.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, पंजाब नैशनल बैंक के मुख्य महाप्रबंधक श्री महेंद्र दोहारे (जन्म तिथि: 24.2.1971) को कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, सेन्ट्रल बैंक ऑफ इंडिया में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[ई फा.सं. 4/1(x)/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 9th October, 2023

**S.O. 1787.**—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby appoints Shri Mahendra Dohare (DoB: 24.2.1971), Chief General Manager, Punjab National Bank as Executive Director, Central Bank of India for a period of three years with effect from the date of assumption of office, or until further orders, whichever is earlier.

[eF. no. 4/1(x)/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2023

**का.आ. 1788**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, सुश्री एस. श्रीमथी के स्थान पर इंडियन बैंक के मुख्य महाप्रबंधक श्री धनराज टी. (जन्म तिथि: 20.5.1970) को दिनांक 10.3.2024 को या उसके पश्चात् कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, इंडियन ओवरसीज बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[ई फा.सं. 4/1(xi)/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 9th October, 2023

**S.O. 1788.**—In exercise of powers conferred by the proviso to clause (a) of sub- section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby appoints Shri Dhanaraj T. (DoB: 20.5.1970), Chief General Manager, Indian Bank as Executive Director, Indian Overseas Bank for a period of three years with effect from the date of assumption of office, on or after 10.3.2024, or until further orders, whichever is earlier vice Ms. S. Srimathy.

[eF. no. 4/1(xi)/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2023

**का.आ. 1789.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, बैंक ऑफ महाराष्ट्र के महाप्रबंधक श्री विजय कुमार निवरुति कांबले (जन्म तिथि: 5.3.1967) को कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, यूको बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[ई फा.सं. 4/1(xii)/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 9th October, 2023

**S.O. 1789.**—In exercise of powers conferred by the proviso to clause (a) of sub- section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby appoints Shri Vijaykumar Nivrutti Kamble (DoB: 5.3.1967), General Manager, Bank of Maharashtra as Executive Director, UCO Bank for a period of three years with effect from the date of assumption of office, or until further orders, whichever is earlier.

[eF. no. 4/1(xii)/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 25 अक्टूबर, 2023

**का.आ. 1790.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, सुश्री ऐनी जॉर्ज मैथ्यू के स्थान पर श्री कार्तिकेय मिश्र (निदेशक, भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग) को तत्काल प्रभाव से और अगले आदेशों तक इंडियन ओवरसीज बैंक के बोर्ड में निदेशक नामित करती है।

[ई फा.सं. 6/2/2022-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 25th October, 2023

**S.O. 1790.**—In exercise of the powers conferred by clause (b) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Central Government hereby nominates Shri Kartikeya Misra (Director, Government of India, Ministry of Finance, Department of Financial Services) as Director on the Board of Indian Overseas Bank, with immediate effect and until further orders, vice Ms Annie George Mathew.

[eF. No. 6/2/2022-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 25 अक्टूबर, 2023

**का.आ. 1791.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री सुचिन्द्र मिश्र के स्थान पर श्री प्रशांत कुमार गोयल (संयुक्त सचिव, भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग) को तत्काल प्रभाव से और अगले आदेशों तक केनरा बैंक के बोर्ड में निदेशक नामित करती है।

[ई फा.सं. 6/2/2022-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 25th October, 2023

**S.O. 1791.**—In exercise of the powers conferred by clause (b) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Central Government hereby nominates Shri Parshant Kumar Goyal (Joint Secretary to the Government of India in the Ministry of Finance, Department of Financial Services) as Director on the Board of Canara Bank, with immediate effect and until further orders, vice Shri Suchindra Misra.

[eF. No. 6/2/2022-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 25 अक्टूबर, 2023

**का.आ. 1792.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री प्रशांत कुमार गोयल के स्थान पर डॉ. अभिजीत फुकन (आर्थिक सलाहकार, भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग) को तत्काल प्रभाव से और अगले आदेशों तक बैंक आफ महाराष्ट्र के बोर्ड में निदेशक नामित करती है।

[ई फा.सं. 6/2/2022-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 25th October, 2023

**S.O. 1792.**—In exercise of the powers conferred by clause (b) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Central Government hereby nominates Dr. Abhijit Phukon (Economic Adviser to the Government of India in the Ministry of Finance, Department of Financial Services) as Director on the Board of Bank of Maharashtra, with immediate effect and until further orders, vice Shri Parshant Kumar Goyal.

[eF. No. 6/2/2022-BO-I]

SANJAY KUMAR MISHRA, Under Secy.



नई दिल्ली, 6 नवम्बर, 2023

**का.आ. 1793.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप धारा (3) के खंड (क) के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा, श्री ए. एस. राजीव, प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी (एमडी एंड सीईओ), बैंक ऑफ महाराष्ट्र के कार्यकाल को मौजूदा अधिसूचित कार्यावधि जो 1.12.2023 को समाप्त हो रही है, से आगे उनकी अधिवर्षिता की तारीख, अर्थात् 31.5.2024 तक अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[ई फा. सं. 4/3/(i)/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 6th November, 2023

**S.O. 1793.**—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby extends the term of office of Shri A.S. Rajeev, Managing Director and Chief Executive Officer (MD & CEO), Bank of Maharashtra beyond his currently notified term which expires on 1.12.2023, till the date of his superannuation, i.e., 31.5.2024, or until further orders, whichever is earlier.

[eF. No. 4/3 (i)/2023-BO.I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 6 नवम्बर, 2023

**का.आ. 1794.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप धारा (3) के खंड (क) के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा, श्री मातम वेंकट राव (एम. वी. राव), प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी (एमडी एंड सीईओ), सेंट्रल बैंक ऑफ इंडिया के कार्यकाल को मौजूदा अधिसूचित कार्यावधि जो 29.2.2024 को समाप्त हो रही है, से आगे उनकी अधिवर्षिता की तारीख, अर्थात् 31.7.2025 तक अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[ई फा. सं. 4/3/(ii)/2023-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 6th November, 2023

**S.O. 1794.**—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby extends the term of office of Shri Matam Venkata Rao (M. V. Rao), Managing Director and Chief Executive Officer (MD & CEO), Central Bank of India beyond his currently notified term which expires on 29.2.2024, till the date of his superannuation, i.e., 31.7.2025, or until further orders, whichever is earlier.

[eF. No. 4/3 (ii)/2023-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

**विदेश मन्त्रालय****(सी.पी.वी. प्रभाग)**

नई दिल्ली, 10 नवम्बर, 2023

**का.आ. 1795.**—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के प्रधान कोंसलावास न्यूयॉर्क में शांतनु शर्मा, सहायक अनुभाग अधिकारी को दिनांक नवम्बर 10, 2023 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी.4330/1/2023(36)]

एस.आर.एच. फहमी, निदेशक (सीपीवी-1)

**MINISTRY OF EXTERNAL AFFAIRS****(CPV Division)**

New Delhi, the 10th November, 2023

**S.O. 1795.**—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Shri Shantanu Sharma, Assistant Section Officer as Assistant Consular Officer in the Consulate General of India, New York to perform the Consular services with effect from November 10, 2023.

[F. No.T.4330/01/2023(36)]

S.R.H FAHMI, Director (CPV-I)

नई दिल्ली, 16 नवम्बर, 2023

**का.आ. 1796.**—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद् द्वारा, केंद्र सरकार भारत के प्रधान कोंसलावास, पर्थ में भारती सांगवान, सहायक अनुभाग अधिकारी को दिनांक नवम्बर 16, 2023 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी.4330/1/2023(37)]

एस.आर.एच. फहमी, निदेशक (सीपीवी-1)

New Delhi, the 16th November, 2023

**S.O. 1796.**—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Smt. Bharti Sangwan, Assistant Section Officer as Assistant Consular Officer in the Consulate General of India, Perth to perform the Consular services with effect from November 16, 2023.

[F. No.T.4330/01/2023(37)]

S.R.H FAHMI, Director (CPV-I)

**पेट्रोलियम और प्राकृतिक गैस मंत्रालय**

नई दिल्ली, 27 सितम्बर, 2023

**का.आ. 1797.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के प्रशासनिक नियंत्रणाधीन सार्वजनिक क्षेत्र के उपक्रम के निम्नलिखित कार्यालयों को, जिनके 80 या अधिक प्रतिशत कर्मचारी वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:-

1. भुवनेश्वर टर्मिनल,  
इंडियन ऑयल कॉर्पोरेशन लिमिटेड,  
(विपणन प्रभाग), चंघारिया, जटनी, ओडिशा
2. पारादीप रिफाइनरी समन्वय कार्यालय,  
इंडियन ऑयल कॉर्पोरेशन लिमिटेड,  
(विपणन प्रभाग), जगतसिंघपुर, ओडिशा

[फा. सं. 11012/3/2021-रा.भा.]

शोभना श्रीवास्तव, उप निदेशक (राजभाषा)

**MINISTRY OF PETROLEUM AND NATURAL GAS**

New Delhi, the 27th September, 2023

**S.O. 1797.**—In pursuance of Sub Rule (4) of Rule 10 of the Official Language (Use for official purpose of the Union) Rules, 1976, the central Government hereby notifies the following offices of the Public Sector undertaking under the administrative control of the Ministry of Petroleum & Natural Gas, in which 80 or more percent of the staff have acquired working Knowledge of Hindi:-

1. Bhubaneswar Terminal,  
Indian Oil Corporation Limited,  
(Marketing Division), Changhariya, Jatni, Odisha
2. Paradip Refinery Coordination Office,  
Indian Oil Corporation Limited,  
(Marketing Division), Jagatsinghpur, Odisha

[F. No. 11012/3/2021-OL]

SHOBHANA SRIVASTAVA, Dy. Director (OL)

नई दिल्ली, 30 अक्टूबर, 2023

**का.आ. 1798.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के प्रशासनिक नियंत्रणाधीन सार्वजनिक क्षेत्र के उपक्रम के निम्नलिखित कार्यालय को, जिसके 80 या अधिक प्रतिशत कर्मचारी वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:-

- एलपीजी संयंत्र एवं प्रादेशिक कार्यालय,  
रायगंज, पाणिशालाहाट, जिला-उत्तर दिनाजपुर  
पश्चिम बंगाल-733134

[फा. सं. 11012/3/2021-रा.भा.]

शोभना श्रीवास्तव, उप निदेशक (राजभाषा)

New Delhi, the 30th October, 2023

**S.O. 1798.**—In pursuance of Sub Rule (4) of Rule 10 of the Official Language (Use for official purpose of the Union) Rules, 1976, the central Government hereby notifies the following offices of the Public Sector undertaking under the administrative control of the Ministry of Petroleum & Natural Gas, in which 80 or more percent of the staff have acquired working Knowledge of Hindi:-

- LPG Plant & Territory Office,  
Panishalahat Raiganj,  
Uttar Dinajpur  
(W. B. - 733134)

[F. No. 11012/3/2021-OL]

SHOBHANA SRIVASTAVA, Dy. Director (OL)

नई दिल्ली, 9 नवम्बर, 2023

**का.आ. 1799.**—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 कि उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2157(ई) तारीख 04.05.2023 जो भारत के असाधारण राजपत्र तारीख 10.05.2023 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मैसर्स इंद्रधनुष गैस ग्रिड लिमिटेड द्वारा असम राज्य में गुवाहाटी - शिलांग - सिलचर - पानीसागर प्राकृतिक गैस पाइपलाइन के मध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियाँ जनता को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने जनता से प्राप्त आक्षेपों को परीक्षण के उपरांत निपटान कर दिया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप - धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है;

और भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, भारत सरकार, उक्त अधिनियम की धारा 6 कि उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और भारत सरकार, उक्त अधिनियम की धारा 6 कि उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, यह निर्देश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग के अधिकार, इस घोषणा के प्रकाशन की तारीख को, भारत सरकार में निहित होने के बजाय, पाइपलाइन बिछाने का प्रस्ताव करने वाली मैसर्स इंद्रधनुष गैस ग्रिड लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुये, सभी विलंगमों से मुक्त, मैसर्स इंद्रधनुष गैस ग्रिड लिमिटेड में निहित होगा।

अनुसूची						
जिला : कछार				राज्य: असम		
सर्कल	तहसील	गाँव	दाग नं.	क्षेत्रफल		
				हेक्टेअर	आर	वर्ग मीटर.
1	2	3	4	5	6	7
कातिगोराह	कातिगोराह	भांगरपार-III	35	00	24	10
			37	00	14	68
			45	00	50	01
			205	00	33	11
			44	00	01	71
			131	00	00	20
			180	00	02	97
			181	00	05	97
			182	00	04	18
			183	00	03	83
			184	00	04	41
			185	00	06	73
			186	00	03	85
			188	00	04	55
			189	00	07	31
			190	00	14	92
			191	00	05	23

			179	00	08	06
			172	00	05	58
			171	00	02	39
			173	00	07	19
			174	00	06	55
			160	00	07	62
			159	00	06	90
			157	00	06	67
			154	00	14	42
			215	00	01	31
			153	00	06	01
			216	00	07	04
			249	00	01	53
कातिगोराह	कातिगोराह	भांगरपार-V	15	00	35	05
			14	00	01	49
			13	00	03	29
			10	00	00	20
			11	00	19	58
			77	00	33	11
			72	00	04	68

			71	00	04	40
			70	00	10	97
			69	00	01	20
			60	00	00	98
			61	00	14	34
			66	00	07	50
			57	00	05	78
			54	00	09	71
			232	00	41	96
			283	00	44	39
			301	00	12	09
			253	00	01	28

[फा. सं. एल- 14014-249-2022-जीपी-II (ई- 45396)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 9th November, 2023

**S.O. 1799.**—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O.No.2157(E) dated the 04.05.2023 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extra Ordinary Gazette of India dated the 10.05.2023, the Government of India declared its intention to acquire the Right of User in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of Natural Gas through Guwahati - Shillong - Silchar - Panisagar Section of North - East Natural Gas Pipeline in the state of Assam by Indradhanush Gas Grid Limited (IGGL).

And whereas copies of the said Extraordinary Gazette notification were made available to the public.

And whereas the objections received from the public to the laying of the pipeline have been considered and disposed by the Competent Authority.

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act submitted its report to the Government of India.

And whereas the Government of India after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Government of India hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Government of India hereby directs that the Right of User in the land for laying the pipeline shall, instead of vesting in Government of India, vest, on this date of the publication of the declaration, in the Indradhanush Gas Grid Limited (IGGL), free from all encumbrances.

SCHEDULE						
District:- Cachar				State :- Assam		
Circle	Tahsil	Name of the Village/ Mouza	Survey No.	Area		
				Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7
Katigorah	Katigorah	Bhangerpar Pt-3	35	00	24	10
			37	00	14	68
			45	00	50	01
			205	00	33	11
			44	00	01	71
			131	00	00	20
			180	00	02	97
			181	00	05	97
			182	00	04	18
			183	00	03	83
			184	00	04	41
			185	00	06	73
			186	00	03	85
			188	00	04	55
			189	00	07	31
			190	00	14	92
			191	00	05	23
			192	00	01	89
			193	00	00	20
			179	00	08	06
			172	00	05	58
			171	00	02	39
			173	00	07	19
			174	00	06	55
			160	00	07	62



			159	00	06	90
			157	00	06	67
			154	00	14	42
			215	00	01	31
			153	00	06	01
			216	00	07	04
			249	00	01	53
Katigorah	Katigorah	Bhangerpar Pt-5	15	00	35	05
			14	00	01	49
			13	00	03	29
			10	00	00	20
			11	00	19	58
			77	00	33	11
			72	00	04	68
			71	00	04	40
			70	00	10	97
			69	00	01	20
			60	00	00	98
			61	00	14	34
			66	00	07	50
			57	00	05	78
			54	00	09	71
			232	00	41	96
			283	00	44	39
			301	00	12	09
			253	00	01	28

[F. No. L-14014-249-2022-GP-II(E-45396)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 9 नवम्बर, 2023

**का.आ. 1800.**—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 कि उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2159(अ) तारीख 04.05.2023 जो भारत के असाधारण राजपत्र तारीख 10.05.2023 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मैसर्स इंद्रधनुष गैस ग्रिड लिमिटेड द्वारा असम राज्य में गुवाहाटी – नुमालीगढ़ प्रकृतिक गैस पाइपलाइन के मधायम से प्रकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियाँ जनता को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने जनता से प्राप्त आक्षेपों को परीक्षण के उपरान्त निपटान कर दिया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप - धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है;

और भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, भारत सरकार, उक्त अधिनियम की धारा 6 कि उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और भारत सरकार, उक्त अधिनियम की धारा 6 कि उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, यह निर्देश देती है कि पाइपलाइने बिछाने के लिए भूमि में उपयोग के अधिकार, इस घोषणा के प्रकाशन की तारीख को, भारत सरकार में निहित होने के बजाय, पाइपलाइन बिछाने का प्रस्ताव करने वाली मैसर्स इंद्रधनुष गैस ग्रिड लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुये, सभी विलंगमों से मुक्त, मैसर्स इंद्रधनुष गैस ग्रिड लिमिटेड में निहित होगा।

## अनुसूची

जिला : माजुली				राज्य : असम		
सर्कल	मौज़ा	गाँव	दाग नं	क्षेत्रफल		
				हेक्टेअर	आर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)	(7)
कमलाबारी	कमलाबारी	एन.सी.	NC	09	21	20

जिला : लखीमपुर				राज्य : असम		
सर्कल	मौज़ा	गाँव	दाग नं	क्षेत्रफल		
				हेक्टेअर	आर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)	(7)
उत्तर लखीमपुर	तेलाही	एन.सी.	NC	03	69	00

[फा. सं. एल-14014 – 251-2022 – जीपी- II(ई – 45398)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 9th November, 2023/2023

**S.O. 1800.**—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O.No.2159(E) dated 04.05.2023, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extra Ordinary Gazette of India dated the 10.05.2023, the Government of India declared its intention to acquire the Right of User in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of Natural Gas through Guwahati-Numaligarh Gas Pipeline in the state of Assam by Indradhanush Gas Grid Limited (IGGL).

And whereas copies of the said Extraordinary Gazette notification were made available to the public.

And whereas the objections received from the public to the laying of the pipeline have been considered and disposed by the Competent Authority.

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act submitted its report to the Government of India.

And whereas the Government of India after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Government of India hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Government of India hereby directs that the Right of User in the land for laying the pipeline shall, instead of vesting in Government of India, vest, on this date of the publication of the declaration, in the Indradhanush Gas Grid Limited (IGGL), free from all encumbrances.

District: Majuli				State: Assam		
Circle	Mauza	Village	Dag No.	Area		
				Hec.	Arc	Sq.Mtr.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Kamalabari	Kamalabari	NC	NC	09	21	20

District: Lakhimpur				State: Assam		
Circle	Mauza	Village	Dag No.	Area		
				Hec.	Arc	Sq.Mtr.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
North Lakhimpur	Telahi	NC	NC	03	69	00

[F. No. L-14014-251-2022-GP-II) (E - 45398)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 9 नवम्बर, 2023

**का.आ. 1801.**—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) भारत के राजपत्र (असाधारण) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ 2290(अ), तारीख 20 मई 2021 में प्रकाशित की गई थी, द्वारा उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा तमिलनाडू राज्य में एन्नोर- तिरुवल्लूर - बेंगलुरु - पुदुचेरी- नागपट्टिनम - मदुरै - टूटिकोरिन प्राकृतिक गैस पाइपलाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 27.01.2022 से उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप - धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत कर दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा(4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाश की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी रुकावटों से मुक्त हो कर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची						
जिला : कडलूर			राज्य : तमिलनाडु			
तालुका का नाम	गाँव का नाम	सर्वेक्षण सं.- खण्ड सं.	उप खण्ड सं.	क्षेत्रफल		
(1)	(2)	(3)	(4)	हेक्टेर	एयर	वर्ग मीटर
काट्टुमन्नारकोविल	116. कंचनकोल्लै	203	5	00	00	40
		203	6सी	00	00	40
		203	6डी	00	02	78
		203	9ए	00	00	83
		199	1ए	00	00	63
		199	1बी	00	06	70
		199	1डी	00	01	14
		199	1ई	00	03	62
		199	3ए	00	03	51
		199	3बी	00	02	16
		199	5	00	01	76
		199	7	00	02	22
		199	8ए	00	03	15
		199	8बी	00	01	33
		199	8डी	00	00	40
		27	2	00	02	45
काट्टुमन्नारकोविल	116. कंचनकोल्लै	27	3ए1	00	00	40
		27	3बी	00	04	32
		27	4बी	00	06	73

29	1ए	00	08	25
29	1डी	00	03	48
29	6ए	00	01	21
30	2ई	00	04	44
30	3	00	01	58
188	1	00	00	40
188	3	00	06	86
187	2	00	02	33
186	5	00	00	40
185	16	00	07	47
185	14	00	02	05
235	-	00	06	84
253	3	00	05	31

[फा.सं. एल-14014-24-2021-जीपी-II(ई-47642)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 9th November, 2023

**S.O. 1801.**—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.No.2290(E) dated: 20.05.2021 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the Right of User in the Lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of Natural Gas, through “Ennore- Thiruvallur -Bengaluru -Puducherry -Nagapattinam –Madurai- Tuticorin” Natural Gas Pipeline in the State of Tamil Nadu by Indian Oil Corporation Limited.

And whereas, copies of the said notifications were made available to the public from 27.01.2022

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the Right of User in the Land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said Land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the Right of User in the said Land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & M P Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE						
District : Cuddalore			State : Tamil Nadu			
Taluk	Village	Survey No.	Sub Division No.	Area		
				Hectare	Are	Square Meter
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Kattumannarkoil	116. Kanjankollai	203	5	00	00	40
		203	6C	00	00	40
		203	6D	00	02	78
		203	9A	00	00	83
		199	1A	00	00	63
		199	1B	00	06	70
		199	1D	00	01	14
		199	1E	00	03	62
		199	3A	00	03	51
		199	3B	00	02	16
		199	5	00	01	76
		199	7	00	02	22
		199	8A	00	03	15
		199	8B	00	01	33
		199	8D	00	00	40
		27	2	00	02	45

  

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Kattumannarkoil	116. Kanjankollai	27	3A1	00	00	40
		27	3B	00	04	32
		27	4B	00	06	73
		29	1A	00	08	25
		29	1D	00	03	48
		29	6A	00	01	21
		30	2E	00	04	44
		30	3	00	01	58
		188	1	00	00	40
		188	3	00	06	86
		187	2	00	02	33
		186	5	00	00	40
		185	16	00	07	47
		185	17	00	13	38
		185	14	00	02	05
		235	-	00	06	84
		253	3	00	05	31

[F. No. L-14014-24-2021-GP-II(E-47642)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 9 नवम्बर, 2023

**का.आ. 1802.**—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) भारत के राजपत्र, (असाधारण) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ 97(अ), तारीख 08 जनवरी 2021 में प्रकशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा तमिल नाडू राज्य में एन्नोर—तिरुवल्लूर—बंगलुरु—पांडिचेरी—नागपट्टिनम—मदुरै—टूटिकोरिन प्राकृतिक गैस पाइपलाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 15.07.2021 तक उपलब्ध कराई गई।

और उक्त अधिनियम की धारा 6 की उप - धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत कर दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा(4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाश की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी रुकावटों से मुक्त हो कर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची						
जिला : कल्लकुरिच्चि		राज्य : तमिल नाडु				
तालुका का नाम	गाँव का नाम	सर्वेक्षण सं.- खण्ड सं.	उप खण्ड सं.	क्षेत्रफल		
				हेक्टेर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)	(7)
कल्लकुरिच्चि	123. कुंदलूर	127	3	00	00	50
		127	4	00	14	00
		127	6	00	07	80
		127	14	00	11	40
उलुंदूर्पेट	51.आसनुर	372	6	00	09	05

[फा. सं. एल-14014-58-2020- जीपी- II(ई-47671)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 9th November, 2023

**S.O. 1802.**—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.No.97(E) dated: 08.01.2021 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the Right of User in the Lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of Natural Gas, through “Ennore- Thiruvallur -Bengaluru -Pondicherry -Nagapattinam –Madurai- Tuticorin” Natural Gas Pipeline in the State of Tamil Nadu by Indian Oil Corporation Limited.

And whereas, copies of the said notifications were made available to the public upto 15.07.2021.

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the Right of User in the Land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said Land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the Right of User in the said Land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & M P Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE						
District : Kallakurichi			State : Tamil Nadu			
Taluk	Village	Survey No.	Sub Division No.	Area		
				Hectare	Are	Square Meter
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Kallakurichi	123.Kundalur	127	3	00	00	50
		127	4	00	14	00
		127	6	00	07	80
		127	14	00	11	40
Ulundurpet	51.Asanur	372	6	00	09	05

[F.No. L-14014-58-2020-GP-II[E-47671]]

RAMJI LAL MEENA, Under Secy

नई दिल्ली, 9 नवम्बर, 2023

**का.आ. 1803.**—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) भारत के राजपत्र, (असाधारण) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ 2297(अ), तारीख 24 मई 2021 में प्रकशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा तमिलनाडु राज्य में एन्नोर- तिरुवल्लूर - बेंगलुरु - पुदुचेरी - नागपट्टिनम - मदुरै - टूटिकोरिन प्राकृतिक गैस पाइपलाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 05.07.2021 तक उपलब्ध कराई गई।

और उक्त अधिनियम की धारा 6 की उप - धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत कर दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा(4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाश की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी रुकावटों से मुक्त हो कर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।



पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

### अनुसूची

जिला : विल्लुपुरम		राज्य : तमिल नाडु				
तालुका	गाँवकानाम	सर्वेक्षणसं.- खण्डसं.	उपखण्डसं.	क्षेत्रफल		
				हेक्टेर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)	(7)
तिरुवेन्नैल्लूर	161. मनकुप्पम	177	1ए	00	05	05
		177	1बी	00	02	20
		177	2	00	06	10
		177	3	00	03	30
		177	7	00	05	55
तिरुवेन्नैल्लूर	160. एलन्दूरई	121	2	00	02	40
		121	3	00	02	00
		121	5	00	03	00
		121	6	00	00	40
		121	11ए	00	00	95
		121	10ए	00	05	94
		121	9ए	00	00	40
		121	9बी	00	07	52
		121	10बी	00	03	19
		125	18	00	09	57
		125	19	00	00	40

[फा. सं. एल-14014-31-2021- जीपी- II(ई-47672)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 9th November, 2023

**S.O. 1803.**—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.No.2297(E) dated: 24.05.2021 issued under sub section (1) of section 3 of the Petroleum and Minerals P (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Government declared its intention to acquire the Right of User in the Lands specified in the Schedule appended notification for the purpose of laying pipeline for the transportation of Natural Gas, through “Ennore- Tiru Bengaluru -Pondicherry -Nagapattinam –Madurai- Tuticorin” Natural Gas Pipeline in the State of Tamil Nadu by Oil Corporation Limited.

And whereas, copies of the said notifications were made available to the public upto 05.07.2021.

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the Right of Use Land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Government hereby declares that the Right of User in the said Land specified in the Schedule appended to this notification hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central

Government hereby directs that the Right of User in the said Land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & M P Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

### SCHEDULE

**District : Villupuram**

**State : Tamil Nadu**

Taluk	Village	Survey No.	Sub Division No.	Area		
				Hect are	Are	Square Meter
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Thiruvannainallur	161. Manakup	177	1A	00	05	05
		177	1B	00	02	20
		177	2	00	06	10
		177	3	00	03	30
		177	7	00	05	55
Thiruvannainallur	160. Elandurai	121		2	00	02
		121		3	00	02
		121		5	00	03
		121		6	00	00
		121	11A		00	00
		121	10A		00	05
		121	9A		00	00
		121	9B		00	07
		121	10B		00	03
		125	18		00	09
		125	19		00	00

[F. No.L-14014-31-2021-GP-II(E-47672)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 9 नवम्बर, 2023

**का.आ. 1804.**—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 299(अ) तारीख 17.01.2022 जो भारत के असाधारण राजपत्र तारीख 24.01.2022, और शुद्धि - पत्र संख्या का.आ. 2374 (अ) तारीख 01.06.2023 में प्रकाशित की गयी थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा महाराष्ट्र राज्य में उरण – उसर प्रोपेन पाइपलाइन के माध्यम से तरलीकृत प्रोपेन के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने जनता से प्राप्त आक्षेपों को परीक्षण के उपरांत निपटान कर दिया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है;

और भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से, भारत सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त होकर, गेल (इण्डिया) लिमिटेड में निहित होगा।

### उरण – उसर प्रोपेन पाईप लाईन

#### अनुसूची

राज्य : महाराष्ट्र

जिला	तहसील	गाँव	स.नं.	क्षेत्र		
				हेक्टेयर	आर	वर्ग मीटर
1	2	3	4	5		
रायगड	पेण	कोपर	67	00	07	80
			68/1	00	03	15
			66/1	00	08	39
			66/2	00	02	11
			66/5	00	12	14
			66/6	00	13	84
			66/4	00	00	14
			65/1	00	00	10
			65/3	00	03	07
			64	00	00	75
			58/3	00	06	36
			58/4	00	06	52
			58/5	00	00	02
			60/1	00	10	93
			60/2	00	07	44
			60/3	00	10	17
			43/1	00	07	10
			43/2	00	02	67

			45/1	00	00	53
रायगड	पेण	काने	175	00	06	37
			59/2	00	05	79
			59/4	00	09	38
			60/3	00	06	04
			60/2	00	02	96
			63/1	00	05	60
			64	00	11	60
			69/1	00	01	02
			68/1	00	03	61
			68/2/4	00	03	76
			68/3	00	07	58
			68/5	00	04	99
			68/6	00	01	72
			67/8	00	02	32
			72/1	00	16	38

			72/2	00	00	02
			74/2	00	09	43
			73	00	06	94
			91/1	00	15	34
			90	00	00	02
			92/1	00	03	50
			88/2	00	06	55
			88/4	00	07	94
			88/6	00	07	10
			88/7	00	01	37
			87/1	00	03	80
			84/2	00	09	23
			84/4	00	07	12
			84/3/5/अ	00	11	81
			84/3/5/ब	00	00	02
			110/1	00	06	85
			110/3	00	07	38

जिला	तहसील	गाँव	स.नं.	क्षेत्र		
				हेक्टेयर	आर	वर्ग मीटर
1	2	3	4	5		
रायगड	उरण	धसाखोशी				
			1	00	12	33
			2	00	11	37
			5/2	00	00	32
			5/1	00	02	80
			26/2	00	06	84
			26/1	00	13	80
			25/1	00	13	38
			27	00	04	13
			28	00	03	65
			32	00	28	10
			40	00	15	17
			34	00	33	85
			69	00	24	52
			71	00	24	52

[फा. सं. एल-14014/227/2021-जीपी-II(ई-41028 )]

रामजीलाल मीना, अवर सचिव

New Delhi, the 9th November, 2023

**S.O. 1804.**—Whereas by Notification of Government of India, in Ministry of Petroleum & Natural Gas vide S.O.No 299 (E) dated 17.01.2022; issued under sub - section (1) of section 3 of the Petroleum & Minerals Pipelines (Acquisition of right of users in land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extra Ordinary Gazette of India dated 24.01.2022, & Corrigendum published on dated 01.06.2023, S.O. No. 2374(E) pertaining to change of Village Name Ghasakhoshi to Dhasakhoshi. the Government of India declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying Pipeline for transportation of Liquid Propane through Uran – Usar Propane pipeline in the State of Maharashtra by GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public;

And whereas the objections received from the public to the laying of the pipeline have been considered of by the Competent Authority;

And whereas the Competent Authority has, under sub-section (1) of section (6) of the said Act, submitted its report to Government of India;

And whereas Government of India after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub section (1) of section (6) of the said Act, the Government of India hereby declares that the Right of User in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of powers conferred by sub section (4) of the Section (6) of the said Act, Government of India hereby directs the Right of User in the land for laying the pipeline shall, instead of vesting in Government of India, vest, on the this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

## URAN – USAR PROPANE PIPE LINE

## SCHEDULE

State : Maharashtra

District	Tehsil	Village	Survey No.	Area		
				Hect.	Are.	Sq. Mtr.
1	2	3	4	5		
RAIGAD	PEN	KOPAR	67	00	07	80
			68/1	00	03	15
			66/1	00	08	39
			66/2	00	02	11
			66/5	00	12	14
			66/6	00	13	84
			66/4	00	00	14
			65/1	00	00	10
			65/3	00	03	07
			64	00	00	75
			58/3	00	06	36
			58/4	00	06	52
			58/5	00	00	02
			60/1	00	10	93
			60/2	00	07	44
			60/3	00	10	17
			43/1	00	07	10
			43/2	00	02	67
			45/1	00	00	53
RAIGAD	PEN	KANE	175	00	06	37
			59/2	00	05	79
			59/4	00	09	38
			60/3	00	06	04
			60/2	00	02	96
			63/1	00	05	60
			64	00	11	60
			69/1	00	01	02
			68/1	00	03	61
			68/2/4	00	03	76
			68/3	00	07	58
			68/5	00	04	99
			68/6	00	01	72
			67/8	00	02	32
			72/1	00	16	38

District	Tehsil	Village	Survey No.	Area		
				Hect.	Are.	Sq. Mtr.
1	2	3	4	5		
RAIGAD	PEN	KANE	72/2	00	00	02
			74/2	00	09	43
			73	00	06	94
			91/1	00	15	34
			90	00	00	02
			92/1	00	03	50
			88/2	00	06	55
			88/4	00	07	94
			88/6	00	07	10
			88/7	00	01	37
			87/1	00	03	80
			84/2	00	09	23

	84/4	00	07	12
	84/3/5/A	00	11	81
	84/3/5/B	00	00	02
	110/1	00	06	85
	110/3	00	07	38

**URAN – USAR PROPANE PIPE LINE****SCHEDULE****State : Maharashtra**

District	Tehsil	Village	Survey No.	Area		
				Hect.	Are.	Sq. Mtr.
1	2	3	4	5		
RAIGAD	URAN	DHASAKHOSHI				
			1	00	12	33
			2	00	11	37
			5/2	00	00	32
			5/1	00	02	80
			26/2	00	06	84
			26/1	00	13	80
			25/1	00	13	38
			27	00	04	13
			28	00	03	65
			32	00	28	10
			40	00	15	17
			34	00	33	85
			69	00	24	52
			71	00	24	52

[F. No. L-14014/ 227 /2021-GP-II(E- 41028)]

RAMJILAL MEENA, Under Secy.

नई दिल्ली, 9 नवम्बर, 2023

**का.आ. 1805.**—पेट्रोलियम और खनिज पाइपलाइन (भूमि में प्रयोक्ता के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (इसमें इसके बाद उक्त अधिनियम कहा गया है) की धारा 2 के खंड (क) के अनुसरण में भारत सरकार एतद्वारा, हरियाणा राज्य और राष्ट्रीय राजधानी क्षेत्र दिल्ली में मेसर्स गेल (इंडिया) लिमिटेड की सभी प्राकृतिक गैस पाइपलाइन परियोजनाओं के लिए पेट्रोलियम और खनिज पाइपलाइन (भूमि में प्रयोक्ता के अधिकार का अर्जन) अधिनियम, 1962 के तहत श्री मनवीर सिंह, जिला राजस्व अधिकारी, गुरुग्राम, हरियाणा सरकार को, प्रतिनियुक्ति के आधार पर, सक्षम प्राधिकारी के कार्यों का निर्वहन करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना इसके जारी होने की तिथि से प्रभावी होगी।

[फा. सं. एल-14014/86/2017-जीपी - II(ई-43031)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 9th November, 2023

**S.O. 1805.**—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter called the said Act), the Government of India hereby authorizes Shri Manbir Singh, District Revenue Officer, Gurugram, Government of Haryana to perform the functions of Competent Authority under the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, on deputation basis, for all Natural Gas Pipeline Projects of M/s GAIL (India) Limited in the State of Haryana and National Capital Territory of Delhi.

2. This notification will be effective from the date of its issue.

[F. No. L-14014/86/2017-GP-II (E-43031)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 9 नवम्बर, 2023

**का.आ. 1806.**—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पश्चिम बंगाल राज्य में जगदीशपुर-हल्दिया – बोकारो-धामरा पाइप लाइन (जे एच बी डी पी एल) और स्पर पाइप लाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए।

और भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना में संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध कर दी जाती हैं, 21 दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड को लिखित रूप में आक्षेप भेज सकेगा।

जगदीशपुर- हल्दिया- बोकारो- धामरा पाइपलाइन (जे०एच०बी०डी०पी०एल०) एवम स्पर पाइपलाइन प्रोजेक्ट								
दुर्गापुर - हल्दिया, सेक्सन -3 बी								
अनुसूची								
राज्य - पश्चिम बंगाल								
जिला	ब्लॉक	मौजा	थाना नं.	नक्शा	सर्वे नं.	क्षेत्रफल		
						हेक्टेअर	आर	वर्ग मीटर
1	2	3	4	5	6	7		
हुगली	सिंगूर	नोयापारा	29	LR	1874/2587	00	01	06
						[फा. सं. एल-14014/1/2023-जीपी-II] (ई-45589)] रामजीलाल मीना, अवर सचिव		

New Delhi, the 9th November, 2023

**S.O. 1806.**—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas through **Jagdishpur-Haldia & Bokaro-Dhamra Pipeline (JHBDPL) & Spur Pipeline**, in the State of **West Bengal**, a pipeline should be laid by GAIL (India) Limited;

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962) Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date of which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of User therein for laying of the pipeline under the land to Competent Authority, GAIL (India) Limited.

JAGDISHPUR-HALDIA-BOKARO-DHAMRA PIPELINE (JHBDPL) & SPUR PIPELINE PROJECT								
DURGAPUR - HALDIA, SECTION -3B								
Schedule								
State: West Bengal								
District	Block	Mouza	J.L. No.	Map	Survey No.	Area		
						Hect.	Are	Sq. mtr.
1	2	3	4	5	6	7		
HOOGHLY	SINGUR	NOAPARA	29	LR	1874/2587	00	01	06
						[F.No.L-14014-1-2023-GP-II(E-45589)] RAMJI LAL MEENA, Under Secy.		



नई दिल्ली, 9 नवम्बर, 2023

**का. आ. 1807.**—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में उरण – उसर पाईप लाईन, तरलीकृत प्रोपेन के परिवहन के लिए गेल (इण्डिया) लिमिटेड (भारत सरकार का उपक्रम) द्वारा, एक पाइपलाईन बिछाई जानी चाहिए;

और भारत सरकार को उक्त पाइपलाईन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके नीचे उक्त पाइपलाईन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग का अधिकार का अर्जित किया जाना चाहिए।

अतः अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध कराये जाने की तारीख के, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाईन बिछाने, उसमें उपयोग के अधिकार के उपजिलाधिकारी एवं सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, गेल भवन, प्लॉट नं. 73, सैक्टर 15 सी।बी।डी। बेलापुर नवीमुंबई 400614 को लिखित रूप में आक्षेप भेज सकेगा।

उरण – उसर प्रोपेन पाईपलाईन

अनुसूची

राज्य : महाराष्ट्र

जिला	तहसील	गाँव	सर्व्हे नं./ दाग नं.	क्षेत्रफल		
				हेक्टेअर	आर	वर्गमीटर
1	2	3	4	5		
रायगड	उरण	जुई	129	00	00	35
रायगड	उरण	कळंबूसरे	93	00	39	38
			95/1	00	11	41
रायगड	पनवेल	दिघाटी	51/1/अ	00	00	10
रायगड	पनवेल	साई	246/1	00	08	07
			246/2	00	09	10
			246/3	00	04	64
			2/5	00	04	85
			7	00	23	92
			10/3	00	01	80
रायगड	पेण	रावे	7	00	02	93
			23	00	02	02
रायगड	पेण	कोपर	45/3	00	06	60
			44	00	10	40

			45/5	00	00	57
			41/1	00	04	33
			40/1	00	02	85
			40/2	00	06	11
			39/1/ब	00	02	12
			40/4	00	08	79
			29/3	00	06	10
			60/6	00	06	59
रायगड	पेण	ओढांगी	202	00	15	78

जिला	तहसील	गाँव	सर्व्हे नं./ दाग नं.	क्षेत्रफल		
				हेक्टेअर	आर	वर्गमीटर
1	2	3	4	5		
रायगड	अलिबाग	शहाबाज	487	00	07	17
			491	00	02	57
			987	00	00	30
			667	00	11	25
			900	00	10	50
			901	00	03	00

[फा. सं. एल-14014/27 /2023 -जीपी-II (ई-47395)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 9th November, 2023

**S.O. 1807.**—Whereas it appears to Government of India that it is necessary in public interest that for transportation of Liquid Propane through **Uran - Usar Propane Pipe line**, in the State of Maharashtra, a pipeline should be laid by GAIL (India) Limited;

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962) Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date of which the copies of the notification issued, under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of Right of User therein for laying of the pipeline under the land to Dy. Collector & Competent Authority, GAIL (India) Limited. GAIL Bhawan, Plot No. 73, Sector 15, CBD Belapur, Navi Mumbai 400614.

## URAN – USAR PROPANE PIPE LINE

## SCHEDULE

State: Maharashtra

District	Tehsil	Village	Survey No.	Area		
				Hect.	Are	Sq. Mtr.
1	2	3	4	5		
Raigad	Uran	Jui	129	00	00	35
Raigad	Uran	Kalambusare	93	00	39	38
			95/1	00	11	41
Raigad	Panvel	Dighati	51/1/A	00	00	10
Raigad	Panvel	Sai	246/1	00	08	07
			246/2	00	09	10
			246/3	00	04	64
			2/5	00	04	85
			7	00	23	92
			10/3	00	01	80
Raigad	Pen	Rave	7	00	02	93
			23	00	02	02
Raigad	Pen	Kopar	45/3	00	06	60
			44	00	10	40
			45/5	00	00	57
			41/1	00	04	33
			40/1	00	02	85
			40/2	00	06	11
			39/1/B	00	02	12
			40/4	00	08	79
			29/3	00	06	10
			60/6	00	06	59
Raigad	Pen	Odhangi	202	00	15	78

District	Tehsil	Village	Survey No.	Area		
				Hect.	Are	Sq. Mtr.
1	2	3	4	5		
Raigad	Alibag	Shahabaj	487	00	07	17
			491	00	02	57
			987	00	00	30
			667	00	11	25
			900	00	10	50
			901	00	03	00

[F. No. L-14014/27/2023-GP-II(E- 47395)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 9 नवम्बर, 2023

**का. आ. 1808.**—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है, कि ओडिशा राज्य में मुंबई-नागपुर-झारसुगुडा प्राकृतिक गैस पाइपलाइन (अनुभाग-नागपुर-झारसुगुडा) के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इंडिया) लिमिटेड द्वारा एक पाइप लाइन बिछाई जानी चाहिए;

और भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइप लाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना में संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियों साधारण जनता को उपलब्ध कर दी जाती है, 21 दिन के भीतर, भूमि के नीचे पाइप लाइन बिछाए जाने की संबंध में, सक्षम प्राधिकारी, ओडिशा राज्य, मेसर्स गेल (इंडिया) लिमिटेड, 612, उत्कल सिग्रेचर, पहला, एनएच-5, भुवनेश्वर-752101, ओडिशा को लिखित रूप में आक्षेप भेज सकेगा।

मुंबई-नागपुर-झारसुगुडा प्राकृतिक गैस पाइपलाइन									
अनुभाग- नागपुर-झारसुगुडा									
अनुसूची									
राज्य - ओडिशा									
जिला	तहसील	ग्राम	सर्वे नंबर. अधिसूचित / नये	क्षेत्रफल					
				अधिसूचित क्षेत्र गज़ट संख्या 462 (अ) एवं दिनांक 27 जनवरी, 2022 द्वारा			संशोधित क्षेत्रफल / नये सर्वे नंबर का क्षेत्रफल		
				हेक्टर	आर	वर्ग मीटर	हेक्टर	आर	वर्ग मीटर
1	2	3	4	5			6		
झारसुगुडा	लखनपुर	गोविंदपुर	202	--	--	--	00	00	83
			482	--	--	--	00	01	66
			485	--	--	--	00	06	52
			491	--	--	--	00	12	02
			477	--	--	--	00	06	04
			476	--	--	--	00	00	43
			616	--	--	--	00	07	54
			617	--	--	--	00	05	49
			618	--	--	--	00	04	75

			462	--	--	--	00	03	47
			463	--	--	--	00	00	18
			464	--	--	--	00	01	42
			460	00	02	20	00	30	23
झारसुगुडा	लखनपुर	सागरपाली	446	--	--	--	00	02	35
झारसुगुडा	लखनपुर	बेलपहाड़	1832	--	--	--	00	00	75
			1833	--	--	--	00	01	56
			1834	--	--	--	00	00	57
			1766	--	--	--	00	00	78
झारसुगुडा	लखनपुर	छुआजलबेरेणा	298	--	--	--	00	06	73
			300	--	--	--	00	02	00
			301	--	--	--	00	03	19
झारसुगुडा	झारसुगुडा	तलपरटआ	853	--	--	--	00	03	61

[फा. सं. एल-14014/206/2022-जीपी-II(ई-44561)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 9th November, 2023

**S.O. 1808.**—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas through Mumbai – Nagpur – Jharsuguda Natural Gas Pipeline (Nagpur- Jharsuguda section), in the State of Odisha, a pipeline should be laid by GAIL (India) Limited;

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962) Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date of which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of User therein for laying of the pipeline under the land to Competent Authority, State of Odisha, M/s.GAIL (India) Limited, 612, Utkal Signature, Pahala, NH-5, Bhubaneswar-752101, Odisha.

Mumbai-Nagpur-Jharsuguda Natural Gas Pipeline									
Section- Nagpur-Jharsuguda									
LAND SCHEDULE									
STATE: ODISHA									
DISTRICT	TEHSIL	VILLAGE	SURVEY NO. NOTIFIED/ NEW	AREA					
				NOTIFIED AREA vide Gazette no.462 (E) Dated 27 January 2022			REVISED AREA / AREA OF NEW SURVEY SURVEY NUMBER		
				HECT.	ARE	SQ. MTR.	HECT.	ARE	SQ. MTR.
1	2	3	4	5			6		
Jharsuguda	Lakhanpur	Govindpur	202	--	--	--	00	00	83
			482	--	--	--	00	01	66

			485	--	--	--	00	06	52
			491	--	--	--	00	12	02
			477	--	--	--	00	06	04
			476	--	--	--	00	00	43
			616	--	--	--	00	07	54
			617	--	--	--	00	05	49
			618	--	--	--	00	04	75
			462	--	--	--	00	03	47
			463	--	--	--	00	00	18
			464	--	--	--	00	01	42
			460	00	02	20	00	30	23
Jharsuguda	Lakhanpur	Sagarpali	446	--	--	--	00	02	35
Jharsuguda	Lakhanpur	Belpahar	1832	--	--	--	00	00	75
			1833	--	--	--	00	01	56
			1834	--	--	--	00	00	57
			1766	--	--	--	00	00	78
Jharsuguda	Lakhanpur	Chhualiberna	298	--	--	--	00	06	73
			300	--	--	--	00	02	00
			301	--	--	--	00	03	19
Jharsuguda	Jharsuguda	Talpatia	853	--	--	--	00	03	61

[F. No. L-14014-206-2022-GP-II(E-44561)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 20 नवम्बर, 2023

**का.आ. 1809.**—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिग्रहण) अधिनियम 1962 (1962 का 50), (इसके बाद उक्त अधिनियम कहा जाएगा) की धारा 2 की उपधारा (क) के अनुसरण में, केंद्र सरकार उक्त अधिनियम के अधीन नीचे दी गई तालिका के कॉलम (1) में उल्लिखित व्यक्ति को कॉलम (2) में उल्लिखित क्षेत्रों के संबंध में कॉलम (3) में उल्लिखित इंडियन ऑयल कॉर्पोरेशन लिमिटेड के परिचालन पेट्रोलियम पाइपलाइनों के लिए सक्षम प्राधिकारी के कार्यों को करने के लिए अधिकृत करती है।

व्यक्ति का नाम एवं पता	क्षेत्राधिकार क्षेत्र	पेट्रोलियम पाइपलाइनों का नाम
(1)	(2)	(3)
श्री शाहीम एम. मुख्य प्रचालन प्रबंधक, इंडियन ऑयल कॉर्पोरेशन लिमिटेड दक्षिणी क्षेत्र पाइपलाइन, देवनगोंथी, बैंगलोर, कर्नाटक	कर्नाटक राज्य	1. चेन्नई बेंगलुरु पाइपलाइन सीबीपीएल) 2. देवनगोंथी-देवनहल्ली पाइपलाइन (डीडीपीएल)

इससे पूर्व एस.ओ. संख्या 1279 दिनांक 16.08.2018 के अंतर्गत भारत के राजपत्र में दिनांक 01.09.2018 प्रकाशित कर्नाटक राज्य में इंडियन ऑयल कॉर्पोरेशन लिमिटेड के लिए पहले अधिसूचित सक्षम प्राधिकारी, श्री सी राजेश कुमार, वरिष्ठ प्रचालन प्रबंधक, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, दक्षिणी क्षेत्र पाइपलाइन, देवनगोंथी, बैंगलोर, कर्नाटक, को डी- नोटिफ़ाइड समझा जाए।

यह अधिसूचना इसके जारी होने की तारीख से प्रभावी होगी।

[फा. सं. आर-11025(11)/239/2017-ओआर-I/ई-13892]

पी. सोमाकुमार, अवर सचिव

New Delhi, the 20th November, 2023

**S.O. 1809**—In Pursuance of sub section (a) of section 2 of the Petroleum and Minerals Pipeline (Acquisition of Right of Users in Land) Act 1962 (50 of 1962), (hereinafter called the said act) , the Central Government hereby authorizes the person mentioned in column (1) of the table given below to perform the functions

of the Competent authority under the said Act for IndianOil Corporation Limited in respect of areas mentioned in column (2) for its operational petroleum pipelines laid under the said Act mentioned in column (3) of the said Table:

Name & Address of Person (1)	Area of Jurisdiction (2)	Name of Petroleum Pipelines (s) (3)
Shri Shaheem M. Chief Operations Manager, IndianOil Corporation Limited Southern Region Pipelines, Devanagonthi, Bangalore, Karnataka	Karnataka State	1. Chennai-Bangalore Pipeline (CBPL) 2. Devangonthi-Devanahalli Pipeline (DDPL) – Common Carrier Pipeline

Earlier notified Competent Authority for Indian Oil Corporation Limited in the Karnataka State, Shri C. Rajesh Kumar, Senior Operations Manager, IndianOil Corporation Limited, Southern Region Pipelines, Devanagonthi, Bangalore, Karnataka vide S.O No. 1279 dated 16.08.2018 published in the Gazette of India dated 01.09.2018 stands de-notified.

The Notification will be effective from the date of its issue.

[F.No. R-11025(11)/239/2017-OR-1/E-13892]

P. SOMAKUMAR, Under Secy.

नई दिल्ली, 20 नवम्बर, 2023

**का.आ. 1810.**—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिग्रहण) अधिनियम 1962 (1962 का 50), (इसके बाद उक्त अधिनियम कहा जाएगा) की धारा 2 की उपधारा (क) के अनुसरण में, केंद्र सरकार उक्त अधिनियम के अधीन नीचे दी गई तालिका के कॉलम (1) में उल्लिखित व्यक्ति को कॉलम (2) में उल्लिखित क्षेत्रों के संबंध में कॉलम (3) में उल्लिखित इंडियन ऑयल कॉर्पोरेशन लिमिटेड के परिचालन पेट्रोलियम पाइपलाइनों के लिए सक्षम प्राधिकारी के कार्यों को करने के लिए अधिकृत करती है।

व्यक्ति का नाम एवं पता (1)	क्षेत्राधिकार क्षेत्र (2)	पेट्रोलियम पाइपलाइनों का नाम (3)
श्री जयदेव मन्ना महाप्रबंधक (अनुरक्षण) इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्वी क्षेत्र पाइपलाइन, कोलकाता	पश्चिम बंगाल राज्य	1. हल्दिया मौरीग्राम राजबन्ध पाइपलाइन (एचएमआरबीपीएल) 2. हल्दिया बरौनी पाइपलाइन (HBPL) 3. गुवाहाटी सिलीगुडी पाइपलाइन (जीएसपीएल) 4. कोलकाता एटीएफ पाइपलाइन (के-एटीएफ लाइन) 5. पारादीप हल्दिया बरौनी पाइपलाइन (PHBPL) 6. पारादीप सोमनाथपुर हल्दिया पाइपलाइन (PSHPL) 7. 30" हल्दिया बरौनी पाइपलाइन (30" एचबीपीएल) 8. पारादीप हल्दिया बरौनी मोतिहारी पाइपलाइन (पीएचएमबीपीएल)

इससे पूर्व, एस.ओ. संख्या 1043 दिनांक 26.11.2020 के अंतर्गत भारत के राजपत्र में दिनांक 05.12.2020 प्रकाशित और एस.ओ. संख्या 90 दिनांक 22.01.2021 के अंतर्गत भारत के राजपत्र में दिनांक 06.02.2021 प्रकाशित पश्चिम बंगाल राज्य में इंडियन ऑयल कॉर्पोरेशन लिमिटेड के लिए पहले अधिसूचित सक्षम प्राधिकारी श्री जयदेव मन्ना, उप महाप्रबंधक (प्रचालन), इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पूर्वी क्षेत्र पाइपलाइन, कोलकाता को डी-नोटिफाइड समझा जाएगा।

यह अधिसूचना इसके जारी होने की तारीख से प्रभावी होगी।

[फा. सं.आर- 11025(11)/19/2018-ओ-आर-I/ई-27024]

पी. सोमाकुमार, अवर सचिव

New Delhi, the 20th November, 2023

**S.O. 1810.**—In Pursuance of sub section (a) of section 2 of the Petroleum and Minerals Pipeline (Acquisition of Right of Users in Land) Act 1962 (50 of 1962), (hereinafter called the said act), the Central Government hereby authorizes the person mentioned in column (1) of the table given below to perform the functions of the Competent authority under the said Act for IndianOil Corporation Limited in respect of areas mentioned in column (2) for its operational petroleum pipelines laid under the said Act mentioned in column (3) of the said Table:

Name & Address of Person	Area of Jurisdiction	Name of Petroleum Pipelines (s)
(1)	(2)	(3)
Shri Jayadeb Manna General Manager (Maintenance) IndianOil Corporation Limited Eastern Region Pipelines, Kolkata	West Bengal State	1. Haldia Mourigram Rajbandh Pipeline (HMRBPL) 2. Haldia Barauni Pipelines (HBPL) 3. Guwahati Siliguri Pipelines (GSPL) 4. Kolkata ATF Pipeline(Kol-ATF Line) 5. Paradip Haldia Barauni Pipeline (PHBPL) 6. Paradip Somnathpur Haldia Product Pipeline (PSHPL) 7. 30" Haldia Barauni Pipelines (30" HBPL) 8. Paradip Haldia Barauni Motihari Pipelines (PHBMPL)

Earlier notified Competent Authority for Indian Oil Corporation Limited in West Bengal State, Shri Jayadeb Manna, Deputy General Manager (Operations), IndianOil Corporation Limited, Eastern Region Pipelines, Kolkata vide S.O. No. 1043 dated 26.11.2020 published in the Gazette of India dated 05.12.2020 and S.O No. 90 dated 22.01.2021 published in the Gazette of India dated 06.02.2021 stands de-notified.

The Notification will be effective from the date of its issue.

[F. No. R-11025(11)/19/2018-OR-I/E-27024]

P. SOMAKUMAR, Under Secy.

नई दिल्ली, 20 नवम्बर, 2023

**का.आ. 1811.**—पेट्रोलियम और खनिज पाइपलाइन (भूमि में प्रयोक्ता के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50), (इसमें इसके बाद उक्त अधिनियम कहा गया है) की धारा 2 के खंड (क) के अनुसरण में, भारत सरकार एतद्वारा, कर्नाटक राज्य में मैसर्स इंडियन ऑयल कॉर्पोरेशन लिमिटेड की एन्नोर-तिरुवल्लूर-बंगलुरु-पुदुच्चेरी-नागापट्टिनम-मदुरै-तूतीकोरीन प्राकृतिक गैस पाइपलाइन (ईटीबीपीएनएमटीपीएल) परियोजना के लिये पेट्रोलियम और खनिज पाइपलाइन (भूमि में प्रयोक्ता के अधिकार का अर्जन) अधिनियम, 1962 के तहत श्री शाहीम एम., मुख्य परिचालन प्रबंधक, मैसर्स इंडियन ऑयल कॉर्पोरेशन लिमिटेड, दक्षिणी क्षेत्र पाइपलाइन को श्री सी. राजेश कुमार, वरिष्ठ प्रचालन प्रबंधक, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, दक्षिणी क्षेत्र पाइपलाइन के स्थान पर सक्षम प्राधिकारी के कार्यों का निर्वहन करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना इसके जारी होने की तिथि से प्रभावी होगी।

[फा. सं. एल-14014/5/2021-जीपी-II [ई-47655]

रामजी लाल मीना, अवर सचिव

New Delhi, the 20th November, 2023

**S.O. 1811.**—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter called the said Act), the Government of India hereby authorizes Shri Shaheem M., Chief Operations Manager, M/s. IndianOil Corporation Limited, Southern Region Pipelines vice Shri C Rajesh Kumar, Senior Operations Manager, M/s. IndianOil Corporation Limited, Southern Region Pipelines to perform the functions of Competent Authority under the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 for Ennore – Thiruvallur – Bengaluru – Puducherry – Nagapattinam – Madurai – Tuticorin Natural Gas Pipeline (ETBPNMTPL) Project of M/s. Indian Oil Corporation Limited in the State of Karnataka.

2. This Notification will be effective from the date of its issue.

[F. No. L-14014/5/2021-GP-II [E-47655]

RAMJI LAL MEENA, Under Secy.



**विद्युत मंत्रालय**

नई दिल्ली, 15 नवम्बर, 2023

**का.आ. 1812.**—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन टीएचडीसी इंडिया लिमिटेड के खुरजा एसटीपीपी, ग्राम एवं पोस्ट : दशहरा, खेरली, तहसील-खुरजा, जिला-बुलंदशहर (उ.प्र.) – 203131, जिसके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

[फा. सं. 11011/12/9/2023-हिंदी]

धीरज कुमार श्रीवास्तव, मुख्य अभियंता (ईसी, ईटी एवं ईवी, पीपीएम तथा प्रभारी राजभाषा)

**MINISTRY OF POWER**

New Delhi, the 15th November, 2023

**S.O. 1812.**—In pursuance of Sub Rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notify the Khurja STPP, Village & Post- Dasherah, Kherli, Tehsil- Khurja, Distt.- Bulandshahr (U.P.)- 203131 of THDC India Limited under the administrative control of Ministry of Power, where 80% of the staff have acquired working knowledge of Hindi.

[F. No.11011/12/9/2023-Hindi]

DHIRAJ KUMAR SRIVASTAVA, Chief Engineer (EC, ET &amp; EV, PPM and In-Charge O.L.)

**सड़क परिवहन और राजमार्ग मंत्रालय**

(हिंदी अनुभाग)

नई दिल्ली, 30 अक्टूबर, 2023

**का.आ. 1813**—केंद्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उपनियम (4) के अनुसरण में क्षेत्रीय कार्यालय, भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, विजयवाड़ा और क्षेत्रीय कार्यालय, भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, भोपाल, जिनके 80% से अधिक कर्मचारियों ने हिंदी कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. ई.-12012/1/2023-विविध/हिंदी]

कमलेश चतुर्वेदी, संयुक्त सचिव

**MINISTRY OF ROAD TRANSPORT AND HIGHWAYS**

(Hindi Section)

New Delhi, the 30th October, 2023

**S.O. 1813.**—In pursuance of Sub Rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notify Regional Office, National Highway Authority of India, Vijaywada, and Regional Office, National Highway Authority of India, Bhopal, where more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E. 12012/1/2023-Misc/Hindi]

KAMLESH CHATURVEDI, Jt. Secy.

## श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 11 अक्टूबर, 2023

का.आ. 1814.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिलायंस फायर ब्रिगेड सर्विसेज प्रा. लिमिटेड के प्रबंधन के संबंध में नियोजकों और भारतीय मजदूर संघ के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद, पंचाट (रिफरेन्स न.-39/2006) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 11.10.2023 को प्राप्त हुआ था।

[सं. एल-30012/3/2006- आईआर(एम)]

डी.के.हिमांशु, अवर सचिव

## MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 11th October, 2023

**S.O. 1814.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 39/2006**) of the **Central Government Industrial Tribunal cum Labour Court, Ahmedabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Reliance Fire Brigade Services Pvt. Ltd.**, and **Bharatiya Mazdoor Sangh** which was received along with soft copy of the award by the Central Government on 11.10.2023.

[No. L-30012/3/2006-IR(M)]

D.K.HIMANSHU, Under Secy.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
AHMEDABAD

Present....

Sunil Kumar Singh-I,

Presiding Officer, CGIT cum Labour Court,

Ahmedabad,

Dated 11<sup>th</sup> September, 2023.**Reference: (CGITA) No- 39/2006**

Sh. V. K. Koti, Head of Fire Department,

Reliance Fire Brigade Services Pvt. Ltd.,

Motikavdi, PO Digvijaygram,

JAMNAGAR - 361140

.....First Party

V

1. Sh. Satendu S. Tiwari (Deceased)

1/1.Smt. Chanda Tiwari (Wife of deceased)

1/2.Shri Soham Tiwari (Son of deceased)

1/3. Shiksha Kumari (Daughter of deceased)

all C/o. Bharatiya Mazdoor Sangh,

17, Abhay Shopping Centre,

Opp. DSP Bungalow,

JAMNAGAR

.....Second Party

Advocate For the First Party employer : Shri A. P. Hathi

Advocate For the Second Party workman : Shri Rajesh Singh Thakur

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/3/2006-IR(M) dated 30.01.2006 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of the management of M/s Reliance Fire Brigade Services Pvt. Ltd., Motikhavadi, Jamnagar in terminating the services of Sh. Satendu S. Tiwari, Fire Operator cum driver w.e.f. 25.02.2005, without following the principles of natural justice is legal and justified? If not, what relief the workman concerned is entitled to?”

1. The Case is fixed for the cross examination of Smt. Chanda Tiwari widow of deceased workman. Parties have jointly moved compromise/settlement Ex.25 on the ground that the First Party/employer has agreed to pay Rs.8,00,000/- (Rupees eight lacs only) to the substituted legal heirs of the deceased workman Shri Satendu S. Tiwari with the following description:
  1. Smt. Chanda Tiwari (Wife of deceased) : Rs.2,66,666/-
  2. Shri Soham Tiwari(minor son of deceased) : Rs.2,66,667/-
  3. Shiksha Kumari(minor daughter of deceased): Rs.2,66,667/-
2. Smt. Chanda Tiwari (self) and minor children through natural mother Smt. Chanda Tiwari have been identified by Shri Rajesh Singh Thakur, Adv. Shri Ashish B. Shah, Senior General Manager for the employer Reliance Fire Brigade Services Pvt. Ltd. has been identified by Shri A. P. Hathi, Adv.
3. In order to protect and preserve the interest of the minors, it is directed that the share of Smt. Chanda Tiwari (Wife of deceased) shall be credited to her saving bank A/c. No.38646278619 of State Bank of India, Barauni Refinery Township Branch within 15 days. Remaining shares of Rs.2,66,667/- each shall be kept in a fix deposit in any nationalised bank offering maximum interest till the minors Soham Tiwari (Son) and Shiksha Tiwari (Daughter) attain the age of majority. It is made clear that if the minor share holders, after attaining their majority age, apply to encash their F. D.'s from their respective towns for transfer, the same shall be transferred to their convenient bank after verifying their identity and majority age. The settlement is accordingly verified and allowed. The award is passed accordingly. The settlement/compromise Ex.25 shall remain part of the award.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of Industrial Disputes Act.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 18 अक्टूबर, 2023

**का.आ. 1815.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अध्यक्ष, भारतीय हस्तशिल्प एवं हथकरघा निगम, दिल्ली, चेयरपर्सन, मैसर्स क्लॉथ चैनल, नोएडा, गौतम बुद्ध नगर, के प्रबंधतंत्र के संबद्ध नियोजकों और श्री रहमत खान और 17 अन्य, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 नई दिल्ली पंचाट(संदर्भ संख्या 334/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.10.2023 को प्राप्त हुआ था।

[सं. एल -42011/52/2017-आईआर(डीयू)]

डी. के. हिमांशु, अवर सचिव

**S.O. 1815.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 334/2018) of the **Central Government Industrial Tribunal cum Labour Court - I New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Chairman, The Handicrafts & Handlooms Corporation of India, Delhi , The Chairperson, M/s Cloth Channel, Noida, Gautam Buddh Nagar, and Rahmat Khan and 17 others ,Worker**, which was received along with soft copy of the award by the Central Government on 18.10.2023.

D. K. HIMANSHU, Under Secy.

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1**

Sh. Rahmat Khan and 17 others  
Sh. Rahmat Khan S/o Mohd. Shaffi  
House No. A-1296, Durga Gali, Mandawali  
Delhi-110092

Versus

1. The Chairman,  
The Handicrafts & Handlooms Corporation of India,  
Jawahar Vyapar Bhawan, Annexe-1, Tolstoy Marg,  
Delhi – 110001
2. Chairperson,  
M/s Cloth Channel,  
393, Sector-29, Noida,  
Gautam Buddh Nagar, U.P.-201301

Management...

None for the claimant

None for the management

In the present case, a reference was received from the appropriate Government vide letter No. L-42011/52/2017-IR(DU) dated 22.11.2018 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the workman Sh. Rahmat Khan and 17 others (annexed) are entitled for reinstatement against the management of The Handicrafts & Handlooms Exports Corporation of India as Tailor with all consequential benefits? If not, to what relief the workman is entitled to?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days

of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favor of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Justice VIKAS KUNVAR SRIVASTAVA (Retd.), Presiding Officer

Date: 11.04.2023

नई दिल्ली, 18 अक्टूबर, 2023

**का.आ. 1816.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दुर्गापुर स्टील प्लांट, सेल प्रबंधन के संबद्ध नियोजकों और हिंदुस्तान स्टील वर्कर्स यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, आसनसोल, पंचाट (रिफरेन्स न.-25/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.10.2023 को प्राप्त हुआ था।

[सं. एल -26011/17/2018-आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 18th October, 2023

**S.O. 1816.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 25/2018) of the **Central Government Industrial Tribunal cum Labour Court, Asansol** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Durgapur Steel Plant, SAIL and Hindustan Steel Workers' Union** which was received along with soft copy of the award by the Central Government on 18.10.2023.

[No. L-26011/17/2018-IR(M)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

#### REFERENCE CASE NO. 25 OF 2018

**PARTIES:** Hindustan Steel Workers' Union

Vs.

Management of Durgapur Steel Plant, SAIL

#### REPRESENTATIVES:

For the Union/Workmen: Mr. Rajat Dikshit, Joint Secretary, Hindustan Steel Workers' Union

For the Management: Mr. Madhab Banerjee, Adv.

**INDUSTRY:** Iron and Steel.

**STATE:** West Bengal.

**Dated:** 31.07.2023

### AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-26011/17/2018-IR(M)** dated 25.10.2018 has been pleased to refer the following dispute between the employer, that is the Management of Durgapur Steel Plant, SAIL and their workmen for adjudication by this Tribunal.

### SCHEDULE

*“ Whether the alleged demand of Hindustan Steel Workers Union (HSWC) (INTUC) vide letter dated 25.02.2014 for reward/benefits to the employees of Durgapur Steel Plant, SAIL, Durgapur for performing election duty/counting duty is just, legal and proper? If yes, what reliefs the workmen are entitled to? What directions, if any, are necessary in the matter? ”*

1. On receiving Order **No. L-26011/17/2018-IR(M)** dated 25.10.2018 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 25 of 2018** was registered on 19.11.2018 and an order was passed issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. Madhab Banerjee, learned advocate for Durgapur Steel Plant is present and filed a joint petition of settlement of Hindustan Steel Workers' Union (INTUC) and Durgapur Steel Plant, SAIL supported by affidavits. Perused the application executed by Mr. Rajat Dikshit, Joint Secretary, Hindustan Steel Workers' Union (INTUC) and Mrs. Manasi Chel, AGM (Pers-NW), SAIL - Durgapur Steel Plant.

3. After issuance of Notice to the parties, written statement has been filed by the then Joint Secretary of the workers' union. No written statement has been filed by the management of Durgapur Steel Plant.

4. In the meantime, parties resolved their dispute on terms and conditions settled between them, wherein it has been laid down that at present the Hindustan Steel Workers' Union does not wish to press the demand regarding payment of rewards/incentives for performance of election duty for which present Reference has been made, as such claim on behalf of Hindustan Steel Workers' Union shall be treated as withdrawn. Disputes regarding election duties in future (if any) shall be settled through discussions. Memorandum of Settlement dated 31.07.2023 executed by representatives of parties has been presented before the Tribunal for consideration. In view of the settlement reached, the Industrial Dispute is disposed of in terms of settlement dated 31.07.2023. Let the Memorandum of Settlement, in two pages be made a part of the Award.

Hence,

### ORDERED

that the Industrial Dispute is disposed of in terms of settlement under Section 18 of the Industrial Disputes Act, 1947 and the Memorandum of Settlement dated 31.07.2023 is made a part of the Award. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer,

नई दिल्ली, 31 अक्टूबर, 2023

का.आ. 1817.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड; एलपीजी प्लांट, बीपीसीएल के प्रबंधन के संबद्ध नियोजकों और भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड एम्प्लॉईस यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर, पंचाट (रिफरेन्स न.-36/2016) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.10.2023 को प्राप्त हुआ था।

[सं. एल -30011/10/2016- आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 31st October, 2023

**S.O. 1817.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 36/2016**) of the **Central Government Industrial Tribunal cum Labour Court, Bhubaneswar** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Bharat Petroleum Corporation Ltd.; LPG Plant, BPCL and Bharat Petroleum Corporation Ltd. Employees Union** which was received along with soft copy of the award by the Central Government on 31.10.2023.

[No. L-30011/10/2016-IR(M)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present

Shri Dinesh Kumar Singh,  
Presiding Officer,  
CGIT-cum-Labour Court, Bhubaneswar

#### ID Case No. 36 of 2016

#### Date of passing award – 28<sup>th</sup> day of July, 2023

Between

1. The Chief Manager, East,  
Bharat Petroleum Corporation Ltd.,  
Eastern Regional Office, Bharat Bhavan,  
Plot No. 31, C.I.T. Scheme Prince Gulam Md. Shah Road,  
Kolkatta – 700095.
2. The Territory Manager,  
LPG Plant, BPCL,  
Khurda (Orissa) – 751007. ... 1<sup>st</sup> Party Management

(And)

The General Manager,  
Bharat Petroleum Corporation Ltd. Employees Union,  
Eastern Region, 17, Ultadanga Road,  
Kolkatta – 700004. ... 2<sup>nd</sup> Party Union

Appearances:

Shri B. P. Tripathy, Advocate ... For 1<sup>st</sup> Party Managements  
Shri Dipak Kumar Bhattacharyya ... For 2<sup>nd</sup> Party Union

#### AWARD

The Government of India in the Ministry of Labour & Employment, New Delhi have referred the present dispute existing between the employers in relation to the Management of Bharat Petroleum Corporation Ltd., and their workmen at LPG Plant of M/s. BPCL, Khurda represented through Bharat Petroleum Corporation Ltd., Employees Union under Clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947) vide their order No. L-30011/10/2016-IR(M) dated 13.6.2016 to this Tribunal for adjudication to the following effect.

#### SCHEDULE

**“Whether the action of the Management of M/s BPCL Khurda LPG Plant in introducing the operation of 2<sup>nd</sup> Shift as per the provision of Certified Standing Order by giving one day notice to the**

**workmen violating Section - 9 A of Industrial Disputes Act, 1947 is legally tenable and justified? If not, what relief the workmen of the union are entitled to?"**

2. After receipt of the schedule of reference and the Statement of Claim filed by the 2<sup>nd</sup> Party-Union notice was issued to the 1<sup>st</sup> Party-Managements for filing of their Written Statements to which the 1<sup>st</sup> Party-Managements have duly filed during course of adjudication.

3. The 2<sup>nd</sup> Party-Union in its Statement of Claim has raised objections against the introduction of 2<sup>nd</sup> Shift operations with effect from 19.01.2016 by the Management at its LPG Plant, Khurda and prayed to declare the action of the Management as illegal and violative of applicable statutes / law, etc.

4. On the other hand, the 1<sup>st</sup> Party-Managements in their Written Statement inter-alia have tried to justify their action of introducing the 2<sup>nd</sup> Shift operations at their LPG Plant, Khurda and denied all the allegations made by the 2<sup>nd</sup> Party-Union in their Statement of Claim.

5. However, during the course of adjudication, both the parties have settled the present dispute out of court and filed original copy of their Memorandum of Settlement in Form – H containing 02 (two) numbers of terms and conditions as agreed between them in this dispute. Submitting their Memorandum of Settlement, both parties have prayed the Tribunal to close this case in terms of the settlement arrived at between them. The terms of Memorandum of Settlement executed between Shri Girish Sonawane, Territory Manager (LPG), M/s. BPCL, Khurda and Shri Ramesh Nayak, Authorised Representative of the 2<sup>nd</sup> Party-Union are as under.

“1. That pursuant to the execution of agreement on wages and other matters with 1<sup>st</sup> party M/s. Bharat Petroleum Corporation Ltd on 28.3.2023, the 2<sup>nd</sup> party has settled the disputes with the Management under the settlement and accordingly the 2<sup>nd</sup> party union does not want to proceed further with the present case.

2. That it is further agreed between the parties to submit the Memorandum of Settlement before the Presiding Officer, Central Govt. Labour Court, Bhubaneswar in I.D. Case No. 36 of 2016 as a measure of mutual settlement.”

6. Considering the facts and circumstance and the submissions of the stake holders of this case, the Tribunal is of the opinion that whatever dispute was existing between the 1<sup>st</sup> Party-Management and the 2<sup>nd</sup> Party-Union, the same have already been settled and no further adjudication is required under the Act. Hence this award is passed in terms of the Memorandum of Settlement arrived at between the 1<sup>st</sup> Party-Management and the 2<sup>nd</sup> Party-Union. The Memorandum of Settlement filed by the parties in this case forms part of the award.

7. This is the award of this Tribunal.

Dictated and corrected by me

Dinesh Kumar Singh, Presiding Officer

**ANNEXURE**

**BEFORE THE PRESIDING OFFICER CENTAL GOVT. INDUSTRIAL TRIBUNA CUM-  
LABOUR COURT, BHUBANESWA**

**I.D.CaseNo.36/2016**

**THEINDUSTRIALDISPUTESCENTRALRULES,1957**

**FORM-H**

**(SeeRule58)**

**FROMMEMORANDUMOFSETTLEMENT**

**NAME OF PARTIES**

**Representing Employer of Management:**

Chief Manager, East, BPCL Represented by  
Sri

And

**Representing**

**Workman,** Sri Ramesh  
Nayak,

**S/o SriSiba Nayak**



Local Secretary of Bharat Petroleum Corporation Ltd Employees Union At-  
LPG Plant, Khurda, Po/Ps/Dist-Khurda

SHORT RECITAL OF THE CASE

WHEREAS the said **Bharat Petroleum Corporation Ltd Employees Union** (hereinafter referred to as Union) has espoused the industrial dispute regarding alleging violation of provision u/s. 9-A of Industrial Disputes Act, 1947 which is subject matter of proceeding under I.D.Case No.36/2016 pending before the Hon'ble Tribunal against the Management of **Bharat Petroleum Corporation Ltd**

(herein after referred to as Management);

AND WHEREAS both the parties have negotiated from time to time for an amicable settlement of the dispute in question and as a result of the discussions,

Bharat Petroleum Corporation Ltd Employees Union have signed an-agreement on wages and other matters with 1<sup>st</sup> party M/s. Bharat Petroleum Corporation Ltd on 28.3.2023 and accordingly both the parties have agreed upon the following:-

TERMS AND CONDITIONS

1. That pursuant to the execution of agreement on wage sand other matters with 1<sup>st</sup> party M/s. Bharat Petroleum Corporation Ltd on 28.3.2023, the 2<sup>nd</sup> party has settled the disputes with the Management under this settlement and accordingly the 2<sup>nd</sup> party union does not want to proceed further with the present case.
3. That it is further agreed between the parties to submit this Memorandum of Settlement before the Presiding Officer, Central Govt Labour Court, Bhubaneswar in I.D.Case No. 36 of 2016 as a measure of mutual settlement.

IN WITNESS WHEREOF both the parties append their signatures having accepted the above terms and conditions.

For & on Behalf of Management

Witnesses :

1. ( )  
Authorised Representative  
1<sup>st</sup> Party
2. (Sri Ramesh Nayak)  
2<sup>nd</sup> Party  
Authorized Representative

नई दिल्ली, 16 नवम्बर, 2023

**का.आ. 1818.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (144/2019) प्रकाशित करती है।

[सं. एल-12012/31/2019-आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 16th November, 2023

**S.O. 1818.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.144/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kanpur* as shown in the Annexure, in the industrial dispute between the management of Indian Overseas Bank and their workmen.

[No. L-12012/31/2019- IR(B-II)]

SALONI, Dy. Director

**ANNEXURE**

**BEFORE SHRI SOMA SHEKHAR JENA, PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, KANPUR**

**PRESENT****SOMA SHEKHAR JENA****HJS (Retd.)****I.D. No. 144 of 2019****L-12012/31/2019-IR(B-II) dated 10.07.2019****BETWEEN**

**Sh. Satya Prakash Tripathi S/o  
Late Ram Nath Tripathi, 14/130,  
Civil lines , Kanpur(U.P.)-208001**

**AND**

**The Chief Regional Manager,  
Indian Overseas Bank, Regional Office,  
Nav chetana Kendra, Ashok Marg, Lucknow-226001**

**AWARD**

This award arises in respect of the reference mentioned in the schedule stated below as received from the Government of India, Ministry of Labour in letter No.L-12012/31/2019-IR(B-II) Dated 10.07.2019.

**SCHEDULE**

**“Whether the action of the management of Indian Overseas Bank passing dismissal order dated 29.09.2015 after the date of retirement i.e. 31.07.2015 of the workman Shri Satya Prakash Tripathi, Clerk resulting non-payment of retrial/terminal dues is just , fair and legal? If not, to what relief the workman concerned is entitled to ?”**

The claimant workman has submitted his statement of claim which is concisely stated as mentioned here in after-

The workman joined the services of Indian Overseas Bank on 09.08.1978 at its Meerut Branch in the post of Shroff/Godown keeper and retired from the service on 31.07.2015 on attaining the age superannuation while posted at Branch Office at Unnao, U.P. It is submitted that though he is deemed to have retired from the service of OP bank on 31 July, 2015 on attaining the age super annuation the OP management arbitrarily passed the order of dismissal on 29.09.2015 which is unsustainable in eye of Law. It is stated that the order of dismissal passed by the OP bank came to the knowledge of the claimant workman in course of proceedings in writ petition no. 56257/2015 before the Hon'ble Allahabad High Court on 02.11.2015 much after the date of retirement. It is averred by the claimant workman that the letter dated 31.07.2015 issued by the bank is a fake document without genuineness contrived against the Bipartite settlement of 2002. The disciplinary authority was not competent to issue the order of dismissal after the date of retirement i.e. 31.07.2015. The claimant workman prayed for quashing the order of dismissal dated 29.09.2015 and for allowing retiral pensionary benefits in favour of the claimant workman. Management of the OP bank submitted the written statement with averments which may be summarized as stated here in after-

On 03.02.2009 the claimant workman was placed under suspension on initiation of disciplinary enquiry on allegations of embezzle and misappropriation of funds and on allegation of indulging in activities prejudicial to the interests of the bank. On 08.05.2009 charge sheet issued by disciplinary authority was served on the claimant. In the said charge sheet specific allegation was stated that the claimant indulged in misappropriation of bank funds. The applicant instead of filing reply to the charge sheet challenged the disciplinary proceedings before the Hon'ble High Court, Lucknow Bench, Lucknow by filing Writ Petition No. 2633(S/S) 2009. The Hon'ble Court vide its order dated 21.05.2009 was pleased to observe that as the specific charge against the employee was misappropriation of funds, as such it was not inclined to interfere with the disciplinary proceedings as well as suspension order. It was directed by the Hon'ble Court that the inquiry shall be completed within a time frame. There after the enquiry proceeding proceeded and order dated 20.08.2009 was issued by the Hon'ble Allahabad High Court in writ Petition no. 2633(S/S of 2009) directing the bank not to take final decision in the matter. On 29.06.2009 the disciplinary authority appointed the enquiry officer to complete the enquiry. On 01.09.2009 the claimant was called upon to appear before the disciplinary authority for personal hearing but the claimant did not appear. On 03.11.2010 the notice was issued to the claimant but he did not appear before the issuing authority. The direction of disciplinary authority dated

03.11.2010 was challenged before the Hon'ble Allahabad High Court in writ petition no. 7993(S/S OF 2010) praying for quashing the notice dated 03.11.2010 issued by the disciplinary authority and for reinstatement on which direction was issued to the claimant to appear before the Disciplinary Authority on 23.12.2010. On 23.12.2010 the claimant appeared before the Disciplinary Authority and submitted the representation along with an order dated 16.12.2010 issued by RLC (Kanpur) directing the OP Bank to maintain Status quo. It is averred by the OP management that under the said circumstances though enquiry had been completed within the time limit fixed by the Hon'ble High Court in the year 2009 the disciplinary proceeding against the claimant could not be finalized. The order of the RLC dated 23.05.2011 was challenged by the OP management in writ Petition no. 3592(M/S OF 2011) before the Hon'ble Allahabad High Court at Lucknow. On 17.07.2015 notice was issued to the claimant to appear before the Disciplinary Authority for personal hearing and before that the letter issued by the RLC dated 16.07.2015 asking the OP management of the bank an order of status quo for which the Disciplinary proceeding could proceed. Later, by order 14.08.2015 in writ petition no. 3592(M/S OF 2011) the proceeding under section 33C(2) was directed to be decided on 04.09.2015 on the next succeeding working day. In the meanwhile a letter was received from the Superintendent of Police CBI Lucknow containing some criminal aspersions against the compliant. The Disciplinary authority after considering the enquiry report and the other connected aspects on 29.09.2015 passed the order of dismissal on the claimant. The claimant has filed the rejoinder reiterating the nullity of the order of dismissal dated 29.09.2015. For the sake of brevity it is declared that the claimant workman has admitted authenticity of the documents filed by the OP side in this proceeding.

For adjudication of this Industrial Dispute the following points are to be addressed:-

- 1.** Whether the action of the management of the Indian Overseas Bank passing order of dismissal dated 29.09.2015 after date of retirement on 31.07.2015 on claimant workman Shri S.P. Tripathi can be held to be illegal or invalid in eye of law.
- 2.** To what relief the Claimant workman is entitled? For the sake of clarification it is stated that the domestic enquiry against the claimant workman was initiated with issuance hence of charge sheet dated 08.05.2009. In the said chargesheet the following allegations as stated below were made against the claimant workman? It appears that the claimant workman had not submitted any counter against the chargesheet and the domestic enquiry was conducted against the claimant workman. After conclusion of enquiry the enquiry officer submitted the enquiry report and one notice dated 03.11.2010 was issued to by Deputy General Manager the disciplinary authority to the claimant workman asking him to appear in personal hearing in the matter of proposed punishment of dismissal in terms of a use 6(a) of the memorandum of the settlement dated 10.04.2002 between the Bank and its workman. In the said notice dated 03.11.2010 the disciplinary authority had made categorical observation that the enquiry was conducted in a fair manner. It was concluded by the enquiry officer that the counter clerk had debited Rs. 1500 from SB account no. 354 of the Branch in the name of Shri Rajkumar Mishra but the counter clerk omitted to mark the transaction no. 14 on the withdrawal slip and Mr. Tripathi Subsequently debited Rs. 1500 for the SB account no. 354 in the system as transaction no. 23 and made payment of Rs. 1500 to the account holder and the transaction no. 14 was dealt by the claimant workman in a mischievous manner. It was held that the withdrawal slip related to transaction no. 14 was passed by the manager on the behest of claimant workman. In the enquiry it was concluded that on 15.12.2008 the claimant workman had tallied and had the cash and had written the cash balance and subsequently the Assistant Manager of the Branch had detected shortage of 15 pieces of 500 Rupee notes and the action of the claimant workman with regard to shortage of 15 pieces of 500 rupee notes was treated as attempt to commit misappropriation. The issuance of notice by the disciplinary authority was challenged before the Hon'ble Allahabad High Court and by Order dated 24.11.2010 in case service single no. 7993/2010. the workman was directed to appear on 23.12.2010 the workman has appeared before the Disciplinary Authority and after personal hearing the chapter of personal hearing was closed. On 16.12.10 before the Regional Labour Commissioner (Central), Kanpur one complaint was filed with allegation of violation of mandatory provisions. It is seen that by order dated 23.05.2011 the Regional Labour Commissioner (RLC) had issued direction to the parties, the management and the workman to maintain the status quo. It is seen that by letter dated 31.07.2015 Chief Manager had issued the letter to the workman informing that he shall be deemed to be in service for the purpose of completion of disciplinary proceedings after the date of super annuation on 31.07.2015. By order dated 14.08.2015 in mis single no. 3592/2011 a direction was issued to the O.P. Management to finally decide proceeding under 33 (C) (2) on 04.09.2015. It is vehemently contended on behalf of the claimant workman that the O.P. disciplinary authority is not vested with any authority to pass order of dismissal after the date of superannuation, that is 31.07.2015. On behalf of the claimant a case law Dev Prakash Tiwari appellants V/s U.P. Coop Institutional Service Board, Lucknow pronounced by the Hon'ble Supreme Court of India in civil appeal no. 5848-49/2014 has been referred. In the aforesaid case law it has been observed by the Hon'ble Supreme Court in following words:- The aforesaid observation of Hon'ble Supreme Court appears to have been rendered with reference to special circumstances of that case. Through no provision of continuation of departmental proceeding after date of super annuation has been brought to the notice of this Tribunal the allegation of misappropriation of bank fund amounting to grave misconduct on the part of one bank employee could not have vanished. For the sake of clarity it can be stated here that if bank employees are allowed impunity even after detection of misconduct in departmental enquiry devastating consequences shall be- fall over banking

industry. It is well settled in law that in respect of departmental proceeding this Tribunal does not function as appellate authority. At the cost of repetition it can be stated here that when the finding of the enquiry have not been challenged by the delinquent workman there is little scope for revisiting the correctness of the enquiry. In the final order of dismissal it has been observed by the disciplinary authority that though the amount involved is small the gravity of his conduct is not lessened for one bank employee with smallness of the amount. The delay in disposal of disciplinary proceeding and passing of the final order of dismissal cannot be solely attributed to laxity on the part of O.P. management. The spirit of the bipartite settlement imposes special responsibility on the employees of the banking industry in the matter of upholding the values of honesty and integrity. View of the majority of the Bench of the Hon'ble Supreme Court of India in the case law Chairman-cum-Managing Director Mahanadi Coal Fields Limited versus Rabindranath Choubey reported in AIR 2020 SC 2978 is in support of continuance of departmental proceeding against the delinquent employee even after attainment of age of superannuation. In view of the foregoing discussions it is held that the action of the management of the Indian Overseas Bank passing order of dismissal of claimant Shri Satya Prakash Tripathi dated 29.09.2015 cannot be held to be illegal. The claimant is not entitled to any consequential relief.

Parties are left to bear their respective costs.

Date: 15.06.2023

SOMA SHEKHAR JENA, Presiding Officer

Let a soft copy be sent to the Ministry and two hard copies of the same will follow in due course of time.

Date: 15.06.2023

नई दिल्ली, 17 नवम्बर, 2023

**का.आ. 1819.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट **(01 (C) of 2016)** प्रकाशित करती है।

[सं. एल - L-12011/85/2015- IR(B.II)]

सलोनी, उप निदेशक

New Delhi, the 17th November, 2023

**S.O. 1819.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 01 (C) of 2016) of the *Indus.Tribunal-cum-Labour Court Patna* as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen.

[No. L-12011/85/2015- IR(B.II)]

SALONI, Dy. Director

**BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA.**

**Reference Case No.:- 01 (C) of 2016**

Between the management of Circle Head, Punjab National Bank, Circle Office, Ara, Distt.- Ara (Bhojpur) Bhojpur (Bihar) And their workman Sri Umesh Prasad, represented through the General Secretary, Punjab National Bank Employees Union (Bihar), Punjab National Bank, Boring Road, Patna (BIHAR).

For the management:- Sri Dinesh Kumar, Sr. Manager, PNB.

For the workman:- Sri B. Prasad, President, Bank Employee Federation, Bihar.

Present:- **Manoj Shankar**  
**Presiding Officer,**  
**Industrial Tribunal, Patna.**

**AWARD**

**Patna, dt- 13<sup>th</sup> September, 2023.**

By the adjudication order no.- L-12011/85/2015-IR(B-II) New Delhi, dated- 21.12.2015 the Govt. of India Ministry of Labour New Delhi has referred under clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Dispute Act, 1947, ( hereinafter to be referred to as “ the Act”) the following dispute between the management of Circle Head, Punjab National Bank, Circle Office, Ara, Distt.- Ara (Bhojpur) Bhojpur (Bihar) And

their workman Sri Umesh Prasad, represented through the General Secretary, Punjab National Bank Employees Union (Bihar), Punjab National Bank, Boring Road, Patna (BIHAR) for adjudication to this tribunal.

### SCHEDULE

“ Whether the action of the management of PNB to impose a punishment of Be Compulsorily Retired with Superannuation Benefits i.e pension and provident Fund without disqualification for further employment after a defective enquiry in violation of Natural Justice was proportionate? If not, what relief the workman was entitled to?”

2. Briefly stated the case of workman is that the workman joined the services of Punjab National Bank on 06.01.1994 as clerk-cum-cashier at Muzaffar Nagar Branch, Uttar Pradesh on being transferred on mutual basis, the workman joined at Bhatni Branch in October, 1997. Ultimately he has joined the Bheria branch Dehri-on-Sone on 06.01.2010 after the transfer from Bhatni Branch. It is further asserted that they were two clerical staff at Bheria Branch one head cashier II and another Clerk – cum- cashier. It is further asserted that the workman had been assigned the clerical duties of account opening including opening of loan A/cs, posting of debit, credit entries and other sundry works of a clerical staff. It is further asserted that that while working at Bheria branch, the workman was served a charge sheet on 21.03.2014 but papers relating to the charges has not been supplied to the workman. It is further asserted that five charges were framed against the workman out of which charge no.-1 & 2 were related to some excess deposit and charge no0.-3 to 5 relating to loan matters. It is further asserted that the workman was not supplied a copy of preliminary enquiry report. It is further asserted that during the course of domestic enquiry no witness was produced from the presenting officer. However, workman produce one witness. It is further asserted that enquiry officer did not hold the enquiry fairly and properly and submitted one side report. It is further asserted that disciplinary authority did not supply the copy of the recommendation of CVO at the time of issuance of 2<sup>nd</sup> show cause relating to proposed punishment. It is further asserted that disciplinary authority without applying proper and independent mind passed the impugned order on 31.01.2015 imposing the punishment of compulsory retirement from the service of the bank. It is further asserted that the workman preferred the appeal against the order of the disciplinary authority but appellate authority also did not consider the version of workman and uphold the order of the disciplinary authority. It is further asserted that then the workman raised the dispute before the ALC (C), Patna that ended in failure then the dispute of the workman is referred to this tribunal to adjudicate the issue. It is further asserted that charge sheet were not in conformity with the provision of Bipartite Settlement No.- 5(J) dt-10.04.2002. It is further asserted that the workman is innocent and did not commit any misconduct and is simply victim of the circumstances. Accordingly the workman press for following relief:-

- (i) Reinstatement in the services of the bank with all consequential benefits including back wages.
- (ii) Payment of a cost of Rs. 20,000/- for contesting the dispute;
- (iii) Any other relief (S) deem fit and proper.

3. On the other hand the management also filed written statement, mentioning therein, the workman Umesh Prasad had joined the management bank as a clerk on 06.01.1994. He was served with charge sheet dt-21.03.2014 for committing various lapses and irregularities i.e

**Charge No.:- 1** - there were abnormal transactions in his OD & of Rs. 12.25 Lacs & Rs. 7.32 Lacs and Rs. 10.223 lacs in his OD and various FD accounts beyond known source of his income.

**Charge No.:- II** -There were transactions of Rs. 9.41 Lacs approximately from various SF/RD/FD accounts maintained in the name of the workman jointly with his wife and son in various branches which were beyond his source of income.

**Charge No.:-III** - Being a clerk cum cashier, most of the KCC documents disbursed during his tenure of stay were filled up in his own hand writing which shows a malafide intention.

**Charge No.- IV**- There was 70% cash disbursement on the date of sanction of all KCC accounts and multiple financing while he was posted at BO Bheriya, Remaining 30% were disbursed with one month of the sanctioned date and all the vouchers were entered by him.

**Charge No.:-V** - The branch officials and the written depositions by the borrowers confirmed his malafide intention and well acquaintances with local middlemen in malpractices.

These are the matters of gross misconduct as defined in para 5(j) of the Bipartite Settlement dt-10.04.2002. It is further asserted that the enquiry officer conducted enquiry fair and properly as per prescribed norms of the bank. Management bank denied the version of the claimant and submissions that the charges framed against the claimant were for abnormal transaction done on his account beyond known source of his income. The charges levelled against him come under gross misconduct as defined in para-5(j) of the Bipartite Settlement. The charge sheet dt- 21.03.2014 and the order of the disciplinary authority are in consonance with the provisions of the Bipartite Settlement. It is further asserted that enquiry officer followed the norms of the bank in conducting the enquiry and provided

opportunity to the charged sheet employee to defend himself. It is further asserted that the enquiry officer did not submit one-sided report rather on the basis of materials hold charge no.-1 proved and charge no.-2 partially proved and charge no.-3,4,5 as not proved. It is further asserted that the findings of enquiry officer has not been altered by the disciplinary authority. It is the duty of the disciplinary authority to take into the consideration all the charges and evidence before deciding the charge proved or otherwise the disciplinary authority had given genuine reason for holding charge no.-(ii) as proved with the following observation:-

(a) The presenting officer has confirmed that A/C No.-2170000200009003, 2170000200004211, 217000PR00000075, 123700010054537 does not belong to the CSE. The same is produced as DE-4 by the CSE. Out of Rs. 9.41 Lacs, Rs. 5.54 Lac doesn't relate to the CSE. Only Rs. 3.87 lac relates to the CSE. The rest 10 accounts relates to the CSE.

(b) A/C No.- 217000TR00000141 having cust ID DFL003857 & 217000PR00004655 having Cust ID BV0003859 relates to the CSE which are confirmed from the CBS as staff / PF No.- 83623 is fed in Cust ID.

(c) A/C No.- 123700TR00000027, 123700TR00000196 & 123700TR00000266 having Cust ID 305402732 relates to the CSE which is confirmed from the CBS as the Cust ID of OD A/C 1237009400014038 is also 305402732.

(d) A/C No.- 1237003298773033 having Cust ID 305405115 relates to the CSE which is confirmed from the CVS as staff No.- EMP123700 is fed in Cust ID address fed in Cust ID is staff, PNB Bhatni. The CSE worked in branch office Bhatni prior to 30.03.2010 and transferred to branch office Bhariya on 31.03.2010.

(e) Account No.- 2170007800000025 & 2170008200000040 having Cust ID 305404972 relates to the CSE which is confirmed from the CBS as staff No.- EMP123700 is fed in Cust ID. Address fed in Cust ID is staff, PNB. The above accounts are opened in BO: Bheriya having cust ID 305404972 of BO: Bhatni.

(f) Account NO.- 217000DA00000933 having cust ID DFL003988 & 217000TR00000178 having Cust ID DFL004344 relates to the CSE which is confirmed from the CBS as address fed in Cust ID is Staff, PNB. Introducer of these two accounts is 305404972, who is the staff of PNB.

In view of the above, the DA didn't agree with the finding of inquiry authority that the charge partially proved and held the charge-II as proved. It is further submitted that the CVO advisory role to the disciplinary authority for 1<sup>st</sup> stage and 2<sup>nd</sup> stage advice. It is further asserted that the appointment of disciplinary authority and enquiry officer have been done as per PAD consolidated circular no. 9/2014 dt- 25.02.2014. It is further asserted that the disciplinary authority has gone through the charge sheet dt- 21.03.2014, all relevant records of enquiry, findings of the enquiry officer dt- 27.09.2014 and submissions of the comments of the charges employee on enquiry report and held the claimant guilty of charges proved against him on the basis of evidence. It is further asserted that the during the personal hearing, the contention of the charges employee as well as his defence assistant was heard and the charged employee was given ample opportunity to explain his arguments and finally disciplinary imposed penalty and further appellate authority also as acted with independent of mind and dismissed the appeal. It is further asserted that disciplinary authority has duly considered evidence both the documentary and oral led before him, as also the records of the enquiry proceedings before arriving at the conclusion with mind. The appellate authority also acted with the independent application of mind and dismissed the appeal after taken into consideration of all the relevant records of enquiry, finding of the enquiry officer and order of the disciplinary authority. It is further asserted that imposing the punishment of compulsory retirement from the services of the bank as the punishment imposed upon CSE is very much in line with Bi-partite Settlement at industry level and also very much commensurate with the gravity of charges proved against the CSE. Accordingly prayer for the relief of the workman is baseless and bank request to dismiss the application of the workman as no merit in the case. So the action of the management imposing punishment fit and order dt-31.05.2015 be held to legal and just.

4. After perusing the statement of claim as well as the written statement has filed by the management bank, this tribunal initially took the matter to adjudicate whether the domestic enquiry as conducted by the management bank against the CSE was just and fair and it was impartially and properly conducted following the principles of natural justice. In this connection management examined two witnesses namely M.W-1 Sanjay Kumar Sahay and M.W-2 Anil Kumar Sinha the enquiry officer. Besides, the oral evidence management side also filed some documents and marked Exts.:-

- (i) Ext.M- Order of PNB, Circle Office, Arrah dt-19.04.2014.
- (ii) Ext.-M/1- Charge sheet dt- 21<sup>st</sup> March 2014.
- (iii) Ext.-M/2- Enquiry Proceedings.
- (iv) Ext.- M//3- Enquiry Report.
- (v) Ext.-M/4- Account ledger inquiry..
- (vi) Ext.-M//5- Account ledger inquiry dt-02.10.2012, 09.11.2012, and including vouchers.



- (vii) Ext.-M/6- Order of Disciplinary Authority dt- 31.01.2015.
- (viii) Ext.-M/7- Appeal against the order dt-31.01.2015 written by Umesh Prasad.
- (ix) Ext.-M/8- Order of Appellate Authority dt- 15.04.2015.

5. On the other hand workman side also examined witness namely W.W-1 Umesh Prasad the workman himself but no documents have been brought on the record from the workman during the course of evidence. This tribunal further finds that after scrutinizing the evidence as led by both the sides and after hearing the both the sides on the fairness of domestic enquiry, this tribunal holds the domestic enquiry was just fair and it was impartially and properly conducted following the principles of natural justice vide order dt-22.11.2018 and subsequently this tribunal fixed the case of hearing on quantum of punishment.

6. This tribunal further finds that the workman side examined altogether three witnesses on merit W.W-1 Ganga Devi, W.W-2 Kamlesh Prasad and W.W-3 Umesh Prasad the workman himself after seeking permission from the tribunal on 27.02.2019. Besides, the oral evidence the workman side filed some documents that got to be marked as Exts.:-

- (i) Ext.-W- Land possession certificate issued by Circle Officer, Akodhi Gola (Rohtas ).
- (ii) Ext.-W/1- Explanation of charge sheet dt-21.03.2014 written by Umesh Prasad given to the Chief Manager (DA) PNB, DAC section, Circle Office, Arrah.
- (iii) Ext.-W/2- Affidavit given by the Binod Kumar Gupta & W/2-1 & Ganga Devi.
- (iv) Ext.-W/3 – Certificate of Appreciation dt-20.03.2013 & W/3-1 & 02.04.2014.

but the management side did not adduce any evidence.

7. First of all this tribunal scrutinizes the evidence of workman W.W-1 Ganga Devi who is the mother of the workman Sri Umesh Prasad. Who stated before this tribunal that Umesh Prasad is her elder son and he is working in PNB. This witness further stated that she owns 5½ acre land and whatever the profit she earns from the agriculture she used to give Umesh Prasad. She further stated that she gets Rs. 12,000/- family pension that is also given to the Umesh Prasad. She further stated that the amount she gave to his son Umesh Prasad he used to credit the same in his account. She also stated that she does not know the actual annual income from the agriculture land.

In cross-examination this witness admits that her husband died in the year 2002. Umesh was looking after the income of agriculture land since 2010 and prior to 2010 her younger son Kamlesh was looking after the agriculture land. The withdrawal of money from her account is also taken up by the Umesh Prasad.

8. W.W-2 Kamlesh Prasad is younger brother of Umesh Prasad. He stated before this tribunal that he has taken Rs. 60,000/- from Umesh Prasad in the year 2011 that he returned to him in three instalments. In cross-examination this witness categorically admitted that he is in Railway service from 2017 and in the year 2014 he was posted in Dehri-on-Sone as contract teacher. This witness also admitted that he was looking after the agriculture income from 2004 to 2010.

9. W.W-3 Umesh Prasad the workman himself who is stated before this tribunal that he joined the PNB, Muzaffarnagar branch on 06.01.1994 on the post of clerk-cum-cashier. In the year 1997 he joined PNB Bhatni on being transferred there and again he transferred to Bahariya branch, Rohtas in the year 2010. This witness further stated that when he joined Bahariya branch there were two clerks. This witness further stated that he has received the charge sheet on 21.03.2014 mentioning therein five charges against him. This witness further stated that after the enquiry charge no.- 3, 4 & 5 were not proved. The enquiry officer found charge no.-1 proved and charge no.-2 partially proved later on disciplinary authority converted the charge no.-2 as proved from partially proved. This witness further stated that besides the salary, the income from agriculture and the money received from the relatives were deposited in his account. He also deposited the money what he received from his mother. This witness further stated that he has filed the land possession certificate i.e. grant by the circle officer, Akodhi Gola (Rohtas) i.e. in the name of him, mother and brother marked as Ext.-W. This witness further proved the reply of the charge sheet marked as Ext.-W/1. This witness further stated that he has filed an appeal against the order of the disciplinary authority and appellate authority has passed his order i.e. already marked Exts during course of domestic enquiry as Ext.-M/7 & M/8 respectively. This witness further proved the affidavit of the Binod Kumar Gupta and Ganga Devi i.e. marked as Ext.-W/2 & W/2-1. This witness further stated that he used to deposit money in his account received from other sources just to enhance business of the bank. This witness further stated that he also received the certificate of appreciation from the bank twice i.e. marked as Ext. W/3 & W/3-1 respectively. This witness further stated that the punishment imposed upon him is totally baseless.

In cross-examination this witness categorically admitted in para-16 that he has received a copy of the charge sheet and a copy of the proposed punishment received from the disciplinary authority. In para-17 this witness admits that his mother gets pension Rs. 12,000/- per month from the year 2004-05. This witness also admits in cross-

examination that he was doing the working of opening account, cash receipt and cash payment, and the work of RTGS and NEFT in the Bheriya Branch. This witness further admits that he used to do all transaction from his salary accounts and there was Rs. 1,75,000/- annual income from the agriculture. In para-19 of the cross-examination this witness categorically stated that when he joined the Bheriya Branch Rs. 6,000/- ( Rs Six Thousand ) loan was due against him and that was enhanced to Rs. 2,97,000/- ( Rs. Two Lakhs Ninety Seven Thousand )when he received the charges sheet.

10. It is argued on behalf of the workman side that charges were levelled against the workman on wrong report, out of five charges, three were not proved and one charge was proved and another partially proved. The charge no.-2 has been declared proved by the disciplinary authority i.e in violation of principle of natural justice. It has been further argued that the workman has been charged with depositing money in his account beyond his source of income i.e well explained by the workman other disclosed amount were of agriculture income, amount of pension received from his mother, and two lakhs refunded from one of relative from Sri Binod Kumar Gupta. It is also argued that no witness of the management averred that workman was ever indulged in any act prejudicial to the interest of the bank causing any loss or likely to cause any loss of the bank. It is further argued that the workman is innocent and did not commit any misconduct as per clause no.- 5(J) of the Bipartite Settlement dt-10.04.2002. The imposition of punishment “ Be compulsorily retired” is not proper and just rather workman deserved to be exonerated from the charges and punishment order to be set aside.

11. On other hand it is argued from the management side that five charges has been attributed against charge sheeted employee the workman for his gross misconduct as per clause 5(J) of the Bipartite Settlement dt-10.04.2002 for which enquiry officer hold the enquiry against the workman. Documents and evidence has been produced before the enquiry officer by both sides, and on the basis of material, enquiry officer found the charge no.-1 is proved, that was abnormal transaction in the OD and FD account of the workman that was beyond the known source of income and charge no.-2 was partially proved as hold by the enquiry officer but when the enquiry report is considered and appreciated by the disciplinary authority he found the charge no.-2 fully proved for which the reasons were duly explained by the disciplinary authority while holding the charge no.-2 fully proved. It is argued that this tribunal also found the enquiry conducted by the enquiry was fair and proper following the principle of natural justice. It is further argued that the evidence as brought by the workman on record is just to deviate the attention of this tribunal because no witness of the workman side could discard the charge no.-1 & charge no.-2 proved against the workman, not even workman could be able to disprove the charges the levelled against him for his gross misconduct. It is argued from the management side that it is well settled by the Apex Court while passing the judgement of the case of Union Bank of India Vs. Vishwa Mohan reported in 1998(4)SCC 310 in the banking business, absolute devotion, diligence and utmost integrity requires by every bank employee but the workman committed gross misconduct while doing his job at Bhariya Branch, so the punishment imposed upon the workman is commensurate with the gravity of the charges. It is also argued from the management side that in the case of Shashi Bushan Prasad Vs. Inspector General CISF in Civil Appeal No.- 7130 of 2009. The Apex Court hold that Strict rules of Evidence Act does not apply in departmental proceeding and only broad principle of natural justice are to be followed. Since the workman has been failed to disprove the charges as the enquiry officer found guilty of chrges and later on, disciplinary authority and appellate authority imposed the punishment, “Be compulsorily retired” with superannuation benefits i.e pension and provident fund without of future employment is legal just and proportionate.

12 Considering all the fact and circumstances of the case and the considering the materials available on the record and submissions as advanced on behalf of both the sides, this tribunal finds that Umesh Prasad, the workman while serving in Bhariya Branch of Punjab National Bank was found indulged in committing various lapses and irregularities discharging his duty as clerk cum cashier. Accordingly the workman was put under suspension by the management bank and so charge sheet comprising five charges has been served upon him for which a enquiry has been conducted by the management. Bank. This tribunal further finds that initially both the sides placed their evidence on the preliminary point of fairness and propriety of domestic enquiry conducted against the workman. This tribunal further finds after scrutinizing all the material as placed by both the sides, the enquiry as conducted by the enquiry officer was just and fair following the principles of natural justice then the case is fixed for quantum of punishment. This tribunal finds that this reference was referred to this tribunal to adjudicate :- “ Whether the action of the management of of PNB to impose a punishment of Be Compulsorily Retired with Superannuation Benefits i.e pension and provident Fund without disqualification for further employment after a defective enquiry in violation of Natural Justice was proportionate? If not, what relief the workman was entitled to?” This tribunal further finds that the workman side argued that the management imposed punishment of compulsorily retirement is not in conformity with the Bipartite Settlement as charge no.-2 was initially found partially proved by the enquiry officer later on it was converted as fully proved by the disciplinary authority i.e beyond the provision of natural justice. But this contention of the workman side is not acceptable at all because the disciplinary authority has right to impose punishment on the basis of the material and the enquiry report as submitted by the enquiry officer. This tribunal finds that the disciplinary authority has fully explained reason while converting the charge no. 2 as proved from partially proved. This tribunal further finds that workman side has examined altogether three witness on merit of the case but none of the witness including the workman has given any cogent and concrete evidence that could disprove the charge no.- 1 & 2 as it was levelled against the workman, that was found proved by the management bank and accordingly



disciplinary authority imposed the punishment of compulsory retirement of workman with superannuation benefits and further that is also upheld by the appellate authority after scrutinizing all the materials and the points raised by the workman before the appellate authority.

13. On the ultimate analysis of the facts and circumstances of the case and the materials available on record as discussed above, this tribunal finds and hold that the workman side has been completely failed to disprove the two charges no.- 1 & 2 that was found proved by the enquiry officer and disciplinary authority as well as appellate authority. Accordingly this is considered opinion of this tribunal that the action of the management Punjab National Bank to impose the punishment of Be Compulsorily Retired with Superannuation Benefit was just and proportionate. Accordingly this tribunal finds no merit in the contention of the workman side. So the action of the management of PNB imposing the punishment of compulsory retirement with superannuation benefits is just and proportionate. This award is effected after date of publication in gazette.

This is my award accordingly.

Dictated & Corrected by me.

Sd/- 13.09.2023

MANOJ SHANKAR, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2023

का.आ. 1820.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म जॉसन लिमिटेड; मेसर्स रवि सिक्योरिटी ऑर्गेनाइजेशन प्रा. लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्री राम सरोज कुशवाहा, महासचिव, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-23/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.11.2023 को प्राप्त हुआ था।

[सं. एल -29011/5/2019- आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 17th November, 2023

S.O. 1820.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 23/2022**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Prism Jonson Ltd.; M/s Ravi Security Organization Pvt. Ltd. and Shri Ram Saroj Kushwaha, General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union** which was received along with soft copy of the award by the Central Government on 17.11.2023.

[No. L-29011/5/2019-IR(M)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

**No. CGIT/LC/R/23/2022**

**Present: P.K.Srivastava**

**H.J.S. (Retd)**

**Shri Ram Saroj Kushwaha, General Secretary,**

**Zila Satna Cement Steel Foundry Khadan Kaamgar Union**

**AITUC Office, Sant Nagar, Ghwdang, Ward No.11**

**Post- Birla Vikas, District-Satna (MP). - 485005**

**Workman**

**Versus**

**The Director,**

**M/s Ravi Security Organization Pvt. Ltd.,**

**126, Mayur Market Thatipur, Gwalior (MP)-474011**

**The Factory Manager**

**M/s Prism Jonson Ltd.**

**(Formally Prism Cement Ltd.)**

**Village - Manakhari, Post Bathiya**

**Distt-Satna (M.P) -485001**

**Management**

### **AWARD**

**(Passed on this 10 day of October 2023.)**

As per letter dated 26/04/2023 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no.F. No.-L-29011/5/2019-IR(M) dt.26/04/2022 . The dispute under reference related to :-

**"Whether the demand of the Zila Satna Cement Foundry Khadan Kamgar Union in respect of Overtime Allowance of 142 Security Guards working in the M/s Ravi Security Organization Pvt. Ltd. under the principal employer M/s Prism Johnson Limited for the period 01.07.2015 to 31.03.2016 is fair, just and legal? If yes, what relief the workmen are entitled to?"**

At the time of hearing, Id counsel for the parties filed a copy of memorandum said to be reached at by the parties and submitted that the matter has been compromised out of court and understating has been reached at between the parties, hence, there is no dispute left under the reference. It has been prayed that no dispute award be passed in the light of copy of memorandum filed, which is on record, which shows that the dispute has been set in between the parties and no dispute remains as such. Hence no dispute award is passed. The award be sent to Central Government for publication.

P. K. SRIVASTAVA, Presiding Officer

DATE: 10.10.2023

नई दिल्ली, 17 नवम्बर, 2023

**का.आ. 1821.—**औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म जॉसन लिमिटेड; मेसर्स रवि सिक्योरिटी ऑर्गेनाइजेशन प्रा. लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्री राम सरोज कुशवाहा, महासचिव, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-22/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.11.2023 को प्राप्त हुआ था।

[सं. एल -29011/6/2019- आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 17th November, 2023

**S.O. 1821.—**In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 22/2022**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Prism Jonson Ltd.; M/s Ravi Security Organization Pvt. Ltd. and Shri Ram Saroj Kushwaha, General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union** which was received along with soft copy of the award by the Central Government on 17.11.2023.

[No. L-29011/6/2019-IR(M)]

D. K. HIMANSHU, Under Secy.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
JABALPURNo. CGIT/LC/R/22/2022Present: P.K.SrivastavaH.J.S..( Retd)

Shri Ram Saroj Kushwaha, General Secretary,  
Zila Satna Cement Steel Foundry Khadan Kaamgar Union  
AITUC Office, Sant Nagar, Ghwdang, Ward No.11  
Post- Birla Vikas, District-Satna (MP). - 485005

Workman

Versus

The Director,  
M/s Ravi Security Organization Pvt. Ltd.,  
126, Mayur Market Thatipur, Gwalior (MP)-474011  
The Factory Manager  
M/s Prism Jonson Ltd.  
(Formally Prism Cement Ltd.)  
Village - Manakhari, Post Bathiya  
Distt-Satna (M.P) -485001

Management

## AWARD

(Passed on this 10 day of October 2023.)

As per letter dated 26/04/2023 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no.F.NO-L-29011/6/2019-IR(M) dt.26/04/2022 . The dispute under reference related to :-

"Whether the demand of the Zila Satna Cement Foundry Khadan Kamgar Union in respect of Overtime Allowance of 136 Security Guards working in the M/s Ravi Security Organization Pvt. Ltd. under the principal employer M/s Prism Johnson Limited for the period 31.05.2004 to 30.06.2015 is fair, just and legal? If yes, what relief the workmen are entitled to?"

At the time of hearing, ld counsel for the parties filed a copy of memorandum said to be reached at by the parties and submitted that the matter has been compromised out of court and understating has been reached at between the parties, hence, there is no dispute left under the reference. It has been prayed that no dispute award be passed in the light of copy of memorandum filed, which is on record, which shows that the dispute has been set in between the parties and no dispute remains as such. Hence no dispute award is passed. The award be sent to Central Government for publication.

P. K. SRIVASTAVA, Presiding Officer

DATE: 10.10.2023

नई दिल्ली, 17 नवम्बर, 2023

का.आ. 1822.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स दुर्गापुर स्टील प्लांट, सेल के प्रबंधन के संबद्ध नियोजकों और हिन्दुस्तान स्टील वर्कर्स' यूनियन के बीच अनुबंध में

निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, आसनसोल, पंचाट (रिफरेन्स न.-26/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.11.2023 को प्राप्त हुआ था।

[सं. एल -26011/18/2018- आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 17th November, 2023

**S.O. 1822.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 26/2018**) of the **Central Government Industrial Tribunal cum Labour Court, Asansol** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Durgapur Steel Plant, SAIL and Hindustan Steel Workers' Union** which was received along with soft copy of the award by the Central Government on 17.11.2023.

[No. L-26011/18/2018-IR(M)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

#### REFERENCE CASE NO. 26 OF 2018

**PARTIES:** Hindustan Steel Workers' Union

**Vs.**

Management of Durgapur Steel Plant, SAIL

#### REPRESENTATIVES:

For the Union/Workmen: Mr. Biswajit Biswas, Joint Secretary of HSWU.

For the Management of DSP: Mr. Madhab Banerjee, Adv.

**INDUSTRY:** Iron and Steel.

**STATE:** West Bengal.

**Dated:** 16.10.2023

#### AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-26011/18/2018-IR(M)** dated 25.10.2018 has been pleased to refer the following dispute between the employer, that is the Management of Durgapur Steel Plant, SAIL and their workmen for adjudication by this Tribunal.

#### SCHEDULE

*“ Whether the allegation of Hindustan Steel Workers Union (HSWU) (INTUC), Durgapur vide letter dated 09.01.2015 that to discontinue the operation of Skelp Mill by Durgapur Steel Plant, Durgapur w.e.f. 01.12.2014 is violation of Section 25-O of ID Act and Rule 76 C of ID (Central) Rules, 1957 is proper, legal and justified? If yes, what direction, if any, are necessary in the matter? ”*

**1.** On receiving Order **No. L-26011/18/2018-IR(M)** dated 25.10.2018 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 26 of 2018** was registered on 19.11.2018 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. Madhab Banerjee, learned advocate for Durgapur Steel Plant has appeared but like his earlier practise he failed to file any written statement or Memorandum of Agreement executed by the Executive Director (Works) of Durgapur Steel Plant, SAIL. No step has been taken by the Joint Secretary, Hindustan Steel Workers' Union (INTUC), Durgapur. On repeated calls at 2.40 pm none appeared for the workmen.

3. Mr. Biswajit Biswas, Joint Secretary (Convener) of Hindustan Steel Workers' Union filed a written statement on 19.02.2019 and served copy upon learned advocate for Durgapur Steel Plant, SAIL on 03.05.2023. However, it appears that the concerned union is disinclined to proceed further as I do not find any representation on their behalf today. Learned advocate for the steel plant is misconceived about representation of party and no effort taken by the Executive Director (Works), Durgapur Steel Plant, SAIL to file written statement or Memorandum of Agreement with his execution. A Noticee can at best delegate responsibility to any officer for appearance and evidence but written statement needs to be filed by the Noticee himself. In view of facts and circumstances, the Reference case is dismissed in the form of a **No Dispute Award**.

Hence,

**ORDERED**

that a **No Dispute Award** be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2023

का.आ. 1823.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसी लिमिटेड और अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कार्यकर्ता के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद, पंचाट (रिफरेन्स न.-79/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.11.2023 को प्राप्त हुआ था।

[सं. एल-30011/78/2017- आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 17th November, 2023

**S.O. 1823.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 79/2019**) of the **Central Government Industrial Tribunal cum Labour Court, Ahmedabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **ONGC Limited and others** and **their workmen** which was received along with soft copy of the award by the Central Government on 17.11.2023.

[No. L-30011/78/2017-IR(M)]

D. K. HIMANSHU, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
AHMEDABAD**

Present....

Sunil Kumar Singh-I,

Presiding Officer,

CGIT cum Labour Court,

Ahmedabad,

Dated 3<sup>rd</sup> October, 2023.

**Reference: (CGITA) No- 79/2019**

1. The Executive Director-Asset Manager,  
M/s. ONGC Ltd., Avni Bhavan, 5<sup>th</sup> Floor,  
Chandkheda, Ahmedabad,  
Gujarat, Pin Code – 380 005.
2. The Head, Logistics,  
M/s. ONGC Ltd., Sabarmati,  
Ahmedabad, Gujarat.
3. M/s. Ajay Transport Company,  
19/3, Near Swati Autolink,  
Beside Sardar Patel Ring Road,  
Chandkheda, Ahmedabad-382424.
4. M/s. Suresh Oil Field Units & Maintenance Co.,  
Behind Andaz Party Plot Lane,  
Off S. G. Highway, Mumatpura Road,  
Makarba, Ahmedabad-380 058.
5. M/s. Sunrise Contractors Services Pvt. Ltd.,  
HO, 7, Kirti Sagar Bunglow, Visnagar Link Road,  
Manav Ashram Chowkdi,  
Mehsana-384001.
6. M/s. Kartar Road Carriers,  
C-14, Soham Complex,  
Odhav, Ahmedabad.
7. M/s. Dewanchand Ramsharan Corporation Pvt. Ltd.,  
Navrattam, 2<sup>nd</sup> Floor, 69, PDMello Road,  
Camac Bunder Junction,  
Mumbai-400009.
8. M/s. Sonu Cargo Movers (I) Pvt. Ltd.,  
412, J. M. Rebello Chowl, Katrak Road,  
Vadala (West), Mumbai-400031. ....First Party

V

The General Secretary,  
O.N.G.C. Administrative & Technical Contractor  
Workers Association, B-144, Saraswati Nagar,  
I.O.C. Road, Chandkheda,  
Ahmedabad - 382424. ....Second Party

Adv. for the First Party employer : Shri K. V. Gadhia & Shri M. K. Patel

Adv. for the Second Party workman : None

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication OrderNo. L-30011/78/2017-IR(M) dated 23.04.2019 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

## SCHEDULE

“Whether the demand of ONGC Administrative & Technical Contractor Workers Association, Ahmedabad for absorptions of 25 contract workers working as Drivers and Helpers of Tankers (as per list ‘A’ attached) by the management of ONGC Ltd., Ahmedabad is proper, legal and justified? If so, what relief the disputants are entitled to and from which date?”

1. The case was taken up today. First Party/employer ONGC is represented through Ld. Counsel Shri K. V. Gadhia. Remaining FP/employers are not present. Perusal of the record shows that out of 25 workmen 12 workmen namely Avnish Ragbhar shown at Sr. No.12, Bittu Yadav shown at Sr. No.13, Dasharath Thakor shown at Sr. No.14, Jayprakash Yadav shown at Sr. No.15, Kishan Dev shown at Sr. No.16, Darmendra Kumar V. shown at Sr. No.17, Vijay Kumar shown at Sr. No.18, Manojkumar shown at Sr. No.19, Satydev Pal shown at Sr. No.20, Rakesh Pal shown at Sr. No.21, Suraj shown at Sr. No.22 and Shanabhai P. Zala shown at Sr. No.23 have withdrawn their cases vide order dtd.07.05.2019 passed on Ex.4. Remaining 13 workmen namely Chavda Kulipsinh P. shown at Sr. No.1, Vaghela Narendra Sinh shown at Sr. No.2, Thakor Arvindji Dhanji shown at Sr. No.3, Ramaji Jayantiji Thakor shown at Sr. No.4, Bharatbhai Rataji Vaghela shown at Sr. No.5, Himatji Bhupatji Thakor shown at Sr. No.6, Raval Vikram V shown at Sr. No.7, Mahendrasinh Dalpat Sinh Vaghela shown at Sr. No.8, Rohitji Fataji Thakor shown at Sr. No.9, Manjibhai Meena shown at Sr. No.10, Johny Pramod Christian shown at Sr. No.11, Sharabh Katiyar shown at Sr. No.24 and Devendra Singh B. Chauhan shown at Sr. No.25 are absent despite various opportunity vide order dt.23.01.2023, 09.02.2023, 09.03.2023 and 24.08.2023. It seems that they are not interested to proceed further in the matter.
2. Perusal of the record further shows that these 13 absentee workmen have neither appeared nor filed any statement of their claim. There is no evidence to substantiate their claim under reference. Hence in the circumstances, reference is answered in negative against the aforesaid 13 absentee workmen for want of evidence. The award is passed accordingly.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली: 17 नवम्बर. 2023

**का.आ. 1824.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऋषभ मार्बल्स के प्रबंधतंत्र के संबद्ध नियोजकों और श्री भेरूलाल के बीच अनुबंध में निर्दिष्ट औद्योगिक अधिकरण एवं श्रम न्यायालय, उदयपुर, पंचाट (रिफरेन्स न.-02/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.11.2023 को प्राप्त हुआ था।

[सं.- जेड -16025/04/2023-आईआर(एम)-71]

डी.के.हिमांशु, अवर सचिव

New Delhi the 17th November, 2023

**S.O. 1824.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 02/2022**) of the **Industrial Tribunal cum Labour Court, Udaipur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Rishabh Marbles** and **Shri Bherulal** which was received along with soft copy of the award by the Central Government on 17.11.2023.

[No Z-16025/04/2023-IR(M)-71]

D. K. HIMANSHU, Under Secy

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, उदयपुर (राजस्थान)

पीठासीन अधिकारी — शिव कुमार शर्मा

प्रकरण संख्या 02/2022 I.T.R.(c)

श्री भेरूलाल पिता कानजी भीणा उम्र 45 वर्ष, निवासी बिलखाई, कनुवाडा, कागदर, तहसील केसरिया जी, जिला—उदयपुर

—प्रार्थी

**विरुद्ध**

प्रबंधक, ऋषभ मार्बल्स, केसरिया जी, जिला उदयपुर (राज.)

—विपक्षी

उपस्थित :-

प्रार्थी की ओर से :- श्री सुभाष श्रीमाली, अधिवक्ता

विपक्षी की ओर से :- कोई उपस्थित नहीं, कार्यवाही एकपक्षीय

:: पंचाट ::

दिनांक 10.10.2023

प्रार्थी भेरूलाल की ओर से उसके नियोक्ता ऋषभ मार्बल्स केसरिया जी जिला उदयपुर द्वारा उसको सेवामुक्त कर दिये जाने के कारण समझौता अधिकारी के समक्ष प्रार्थनापत्र पेश किया गया लेकिन समझौता अधिकारी के समक्ष विपक्षी की ओर से कोई उपस्थित नहीं होने के कारण पक्षकारान में कोई समझौता नहीं हो पाया जिस पर प्रार्थी भेरूलाल ने समझौता कार्यवाही को आगे नहीं चलाना जाहिर किया तो समझौता अधिकारी ने एक प्रमाणपत्र प्रार्थी को अपना प्रार्थनापत्र औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय उदयपुर के समक्ष प्रस्तुत करने हेतु जारी किया। तत्पश्चात् प्रार्थी की ओर से हस्तगत क्लेम प्रार्थनापत्र इस अधिकरण के समक्ष पेश किया गया जो दर्ज रजिस्टर किया जाकर विपक्षी को नोटिस जारी किये गये।

प्रार्थी की ओर से प्रस्तुत क्लेम प्रार्थनापत्र के तथ्य संक्षेप में इस प्रकार है कि—प्रार्थी की नियुक्ति विपक्षी के नियोजन में ऑपरेटर के पद पर दिनांक 01.01.1997 को 1500/—रुपये प्रतिमाह पर हुई। विपक्षी के नियोजन में प्रार्थी की सेवाएं सदैव संतोषप्रद रही जिस कारण उसके वेतन में समय समय पर बढ़ोतरी की जाती रही और प्रार्थी का अंतिम वेतन 15,000/—रुपये प्रतिमाह था। दिनांक 8.1.2022 को प्रार्थी ड्यूटी पर गया तो विपक्षी प्रबंधक द्वारा उसको ड्यूटी पर लेने से इंकार कर दिया गया और उसको नौकरी से निकाल दिया गया। इस प्रकार प्रार्थी को बिना पूर्व सूचना दिये, बिना अनुशासनात्मक कार्यवाही किये तथा बिना क्षतिपूर्ति दिये सेवा से पृथक कर दिया गया जो सेवामुक्ति औद्योगिक विवाद अधिनियम, 1947 की धारा 25ए के विरुद्ध होने से प्रार्थी की सेवामुक्ति अवैध एवं शून्य है। प्रार्थी के बाद वाले श्रमिक अभी भी विपक्षी के नियोजन में कार्यरत हैं जिससे प्रार्थी की सेवामुक्ति फर्स्ट कम लास्ट गो वाले सिद्धांत के विरुद्ध होने से अवैध एवं शून्य है। प्रार्थी ने विपक्षी के नियोजन में निरंतर 240 दिन से भी अधिक समय तक प्रत्येक कैलेंडर वर्ष में कार्य किया जिससे भी प्रार्थी को बिना विधिक प्रक्रिया अपनाये सेवामुक्त कर दिया गया जो सेवामुक्ति अवैध एवं शून्य है। इन आधारों पर प्रार्थी ने विपक्षी नियोजक द्वारा की गई अवैध सेवामुक्ति को निरस्त करते हुए उसे सेवामुक्ति दिनांक 08.01.22 से निरंतर वेतन, वरियता एवं अन्य लाभों सहित पुनःनियुक्ति दिलाने का आदेश दिये जाने का निवेदन किया है।

विपक्षी पर नोटिस की तामील हो जाने के उपरांत भी उसकी ओर से कोई न्यायालय में उपस्थित नहीं आया जिस पर विपक्षी के विरुद्ध एकपक्षीय कार्यवाही किये जाने का आदेश दिया गया।

प्रार्थी के विद्वान अधिवक्ता की एकपक्षीय बहस सुनी गई एवं पत्रावली का सावधानीपूर्वक अवलोकन किया गया।

“अब यह देखा जाना है कि विपक्षी ऋषभ मार्बल्स, केसरिया जी, जिला उदयपुर द्वारा प्रार्थी श्री भेरूलाल पिता कानजी मीणा, उम्र 45 वर्ष, निवासी बिलखाई, कनुवाडा, कागदर तहसील केसरियाजी, जिला उदयपुर(राज0) को दिनांक 08.01.2022 को सेवा से पृथक किया जाना उचित एवं वैध है ? यदि नहीं, तो प्रार्थी क्या राहत पाने का अधिकारी है ?

एकपक्षीय साक्ष्य में प्रार्थी ने अपना शपथपत्र पेश किया जिसमें उसने प्रार्थनापत्र में अंकित तथ्यों को ही दोहराया है और प्रदर्श 1 लगायत प्रदर्श 3 दस्तावेज पेश किये हैं।

प्रार्थी की ओर से प्रस्तुत साक्ष्य के खण्डन में विपक्षी की ओर से कोई साक्ष्य पेश नहीं की गई है जिस कारण प्रार्थी की अखंडित रही साक्ष्य पर अविश्वास किये जाने का कोई कारण दृष्टिगत नहीं होता है। सेवा से पृथक किये जाने से पूर्व प्रार्थी को कोई नोटिस या क्षतिपूर्ति राशि का भुगतान किया गया हो, ऐसी भी कोई साक्ष्य विपक्षी की ओर से नहीं आई है। उक्त आधार पर प्रार्थी को सेवा पृथक किया जाना अनुचित एवं अवैध है।

प्रार्थी अधिवक्ता की ओर से इस सम्बन्ध में यह तर्क रहा है कि प्रार्थी को विपक्षी के नियोजन में निरन्तर, वेतन वरियता एवं अन्य लाभों के साथ पुनः रखवाये जाने का पंचाट पारित फरमावे।

प्रार्थी की साक्ष्य एवं पत्रावली के अवलोकन से यह स्पष्ट है कि प्रार्थी, विपक्षी फर्म में कार्यरत रहा है और उसको दिनांक 08.1.2022 को सेवामुक्त कर दिया गया जिसका कोई उचित कारण विपक्षी की ओर से उपस्थित होकर नहीं बताया गया है। इन हालात में इस प्रकरण में न्यायालय इस मत का है कि प्रार्थी सेवा पृथक किये जाने की दिनांक 08.01.2022 से पुनः सेवा में लिये जाने की तिथि तक पिछले वेतन के रूप में 50 प्रतिशत राशि प्राप्त करने का अधिकारी है साथ ही विपक्षी प्रार्थी को सेवा की निरन्तरता के साथ पुनः सेवा में लेवे तथा यदि वह सेवा में होता तो क्या लाभ प्राप्त करता वे सभी लाभ भी प्राप्त करने का अधिकारी है।

उक्त विवेचन के आधार पर एक पक्षीय पंचाट इस प्रकार पारित किया जाता है कि —

प्रार्थी श्री भेरूलाल पुत्र कानजी मीणा को विपक्षी संस्थान प्रबंधक, ऋषभ मार्बल्स, केसरियाजी, जिला उदयपुर(राज.) द्वारा दिनांक 08.01.2022 को सेवा पृथक किया जाना उचित एवं वैध नहीं है। इसलिये इस अवैध सेवा मुक्ति के कारण विपक्षी



संस्थान प्रार्थी को सेवा की निरन्तरता के साथ तीन माह की अवधि में पुनः सेवा में लेवे तथा यदि वह सेवा में होता तो जो लाभ प्राप्त करता वे सभी लाभ भी दिये जावे साथ ही विपक्षी प्रार्थी को सेवा पृथक् किये जाने की दिनांक 08.01.2022 से पुनः सेवा में लिये जाने की तिथि तक पिछले वेतन के रूप में 50 प्रतिशत राशि का भुगतान 2 माह में करे, अन्यथा, उक्त राशि पर आदेश की दिनांक से 7 प्रतिशत वार्षिक दर से ब्याज देय होगा।

एक पक्षीय पंचाट प्रकाशनार्थ समुचित सरकार को भिजाया जावे।

पंचाट आज दिनांक 10.10.2023 को खुले न्यायालय में लिखाया जाकर सुनाया गया।

शिव कुमार शर्मा

नई दिल्ली, 20 नवम्बर, 2023

का.आ. 1825—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल.के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 16/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/11/2023 को प्राप्त हुआ था।

[सं. एल. 22012/110/2011.आई. आर. (सी.एम.II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 20th November, 2023

**S.O. 1825.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Ref. No. 16/2011**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **13/11/2023**.

[No. L-22012/110/2011 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

#### REFERENCE CASE NO. 16 OF 2011

**PARTIES:** Prakash Hela

**Vs.**

Management of Khas Kajora Colliery of ECL

#### REPRESENTATIVES:

For the Union/Workman: Mr. Basudev Choudhury, Adv.

For the Management of ECL: Mr. P. K. Das, Adv.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 19.09.2023.

#### AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order

**No. L-22012/110/2011-IR(CM-II)** dated 02.08.2011 has been pleased to refer the following dispute between the employer, that is the Management of Khas Kajora Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

### SCHEDULE

*“ WHETHER THE ACTION OF THE MANAGEMENT OF KHAS KAJORA COLLIERY UNDER KAJORA AREA OF M/S. EASTERN COALFIELDS LIMITED, IN DISMISSING SRI PRAKASH HELA, UNDERGROUND LOADER, UM No. 555004 W.E.F. 27.07.1995 IS LEGAL AND JUSTIFIED, TO WHAT RELIEF THE WORKMAN CONCERNED IS ENTITLED TO? ”*

1. On receiving Order **No. L-22012/110/2011-IR(CM-II)** dated 02.08.2011 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 16 of 2011** was registered on 29.08.2011/09.12.2011 and an order was passed issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. The workman submitted his written statement on 03.02.2012, wherein he has stated that he was a permanent employee at Khas Kajora Colliery under Kajora Area of Eastern Coalfields Limited (hereinafter referred to as ECL), posted as an Underground Loader having U.M. No. 555004 and worked since 16.07.1992. Owing to his short height and lean figure he had to work as a “single headed loader” and was not included in any group, nor was he allowed to go down into the mine for performing his work on the pretext that he was not a member of any group of loaders in the mine. The aggrieved workman claimed that he was not allowed to join his duty by the Assistant Manager / Pit Manager and they forcibly marked him absent from duty for months together. A Charge Sheet was issued to him on 29.11.1994 on the ground of unauthorized absence from duty. Prakash Hela explained the situation to the Mine Manager and requested him to deploy him as a sweeper in the mines but he was not allowed and a Second Charge Sheet was issued to him on 13.03.1995. The workman participated in the Enquiry Proceeding initiated against him in illegal manner and he was dismissed from service w.e.f. 26.07.1995. The workman filed Mercy Petitions on 23.07.1998 and 01.04.2008 for reconsideration of his reinstatement but the management of the company turned down his prayer by way of letter bearing no. KA/Dy.CPM/C-6/34/1310 dated 21.10.2010. The dismissed workman raised this Industrial Dispute and prayed for necessary order for his reinstatement in service.

3. The management has contested the Industrial Dispute by filing written statement on 24.07.2013, wherein it is contended that Prakash Hela was dismissed from his service due to his unauthorized absence from duty from 05.03.1994 for which a Charge Sheet bearing no. KKC/P&IR/C-6/95/AB dated 13.03.1995 was issued as per provision of standing order applicable to the establishment. The charged workman failed to submit any satisfactory reply for which a Departmental Enquiry was held for the charge levelled against him. An Enquiry Officer was appointed for that purpose and the Enquiry Officer conducted enquiry on 16.05.1995, in which the workman duly participated along with his co-worker. Reasonable opportunity was given to the workman to defend his case in accordance to the principles of natural justice but he was found guilty of charges of misconduct and was dismissed from service by an Order vide letter no. KA/PM/C-6/10/1370/4035 dated 27.07.1995. It is the case of the management of ECL that Disciplinary Authority awarded the punishment of dismissal in accordance with the gravity of misconduct which is proportionate to the nature of dereliction of his duty. It is further urged that the fairness of Enquiry Proceeding is required to be decided as a preliminary issue and if the Tribunal find that enquiry was unfair for any reason, the management may be given an opportunity to establish the charges on merit.

4. The aggrieved workman in support of his case adduced evidence as workman witness – 1. I find from the record that Prakash Hela has filed an affidavit-in-chief reiterating his case in the written statement. In his cross-examination the workman deposed that he was absent from duty and he was not given any Underground job for which he made representation before the management to provide job as a sweeper. He also denied that he absented from duty intentionally. The workman admitted that he was dismissed from service after holding enquiry. In course of his re-examination-in-chief on recall the workman produced the following documents :

- (i) Photocopy of the Office Order dated 16.07.1992 as Exhibit W-1. It appears from the order that the workman was appointed as an Underground Loader at Pit No. 11 of Khas Kajora Colliery of ECL and his date of birth is 03.07.1969.
- (ii) Photocopy of the letter of dismissal from service dated 27.07.1995 issued by the General Manager, Kajora Area of ECL as Exhibit W-2

5. The management examined Mr. Proloy Dasgupta, Manager (Personnel) at Khas Kajora Colliery as management witness – 1. He has filed an affidavit-in-chief in support of the case of ECL. In his affidavit-in-chief management witness stated that Prakash Hela, ex-Underground Loader of Khas Kajora Colliery was absent from his duty from 05.03.1994 without any intimation or permission of the Colliery authority for which Charge Sheet was issued against him for misconduct under Section 17(i)(n) of the Model Standing Order. The charged workman failed to submit any satisfactory reply and a Departmental Enquiry was held in respect of the charge. After providing reasonable opportunity to the workman to defend his case, the Enquiry Officer found the workman guilty for the charge of

misconduct. The Disciplinary Authority after considering Charge Sheet, Enquiry Proceeding, Report, and other connecting papers, dismissed the workman w.e.f. 27.07.1995. In course of examination the management has produced the following documents:

- (i) Photocopy of the Notice of Enquiry dated 04.05.1995 is produced as Exhibit M-1.
- (ii) Photocopy of the Charge Sheet dated 13.03.1995 issued to the workman as Exhibit M-2.
- (iii) Photocopy of the letter of appointment of Enquiry Officer dated 18.05.1995 as Exhibit M-3.
- (iv) Photocopy of the Report of Enquiry Proceeding with findings collectively in three pages as Exhibit M-4.
- (v) Photocopy of the letter of dismissal dated 27.07.1995 issued by the General Manager, Kajora Area as Exhibit M-5.

6. The point for consideration is whether the dismissal of Prakash Hela from service was legal and justified.

7. Mr. Basudev Choudhury, learned advocate for the workman argued that the Enquiry Proceeding has been carried out in an arbitrary manner without giving opportunity to the workman to defend his case. Furthermore, the order of dismissal issued by the General Manager is not sustainable under the law as he is not the appointing authority. Learned advocate referred to the office order dated 16.07.1992 (Exhibit W-1) wherein, it appears that the order of appointment was issued by the Agent of Khas Kajora Colliery. It is argued on behalf of the workman in the Charge Sheet issued by the management that the period of absence has not been mentioned. Therefore, there is no specific case disclosed against the workman about the alleged misconduct. Learned advocate argued that mere statement in the Charge Sheet to the effect that the attendance of a workman is poor does not specifically disclose a clear charge against him. Therefore, it would transpire that proper opportunity was not provided to the workman to defend any charge. It is urged that the order of dismissal is disproportionate to the vague charge and the concerned workman should be reinstated in service.

8. Mr. P. K. Das, learned advocate for ECL argued that the workman participated in the Enquiry Proceeding, where it was clearly explained to him that he absented from duty from 05.03.1994 to 26.11.1994 and the same has been admitted by the workman. Learned advocate argued that fair opportunity was given to the workman for defending his case but he has failed to explain the reason for his unauthorized absent. It is claimed that the charge of misconduct due to unauthorized absence is clearly established against the workman for which he has been dismissed by the controlling authority.

9. I have gone through the written statement and evidence adduced by both the parties and also considered the argument advanced by the learned advocates for the workman and management of ECL. The main contention of the workman is that due to his short height and frail health the Pit Manager did not permit him to enter mine for performing underground job and had to function as a single headed loader. Further contention of the workman is that his attendance was not recorded though he reported for duty. I find from the record that the workman did not raise any Industrial Dispute for such alleged restraintment by the management of ECL preventing him from joining his duty. Therefore, such contention is not acceptable. The Charge Sheet in this case has been produced as Exhibit M-2 which disclose that the attendance of the workman was poor and he had attended duty for only twenty-six days in the year 1993 and four days in the year 1994. Thereby, he has committed misconduct as per Section 17(1)(d) of the Model Standing Orders. The workman in his evidence stated that he was unable to recollect whether he has participated in the Enquiry Proceeding or not. However, the Report of Enquiry Proceeding produced by the management (Exhibit M-4) reveals that Prakash Hela had been examined as a witness and he stated that he could not attended his duty from 05.03.1994 to 26.11.1994 on account of mental disturbance. In course of his cross-examination, he was asked as to why he did not report to any Medical Officer for his treatment and why he did not inform the authority about his absence. In reply, the workman could not give any cogent answer and admitted that he did not do so. The Enquiry Report reveals that the charge had been read over and explained to Prakash Hela in Hindi and was asked whether he accepted the charge levelled against him, but he denied the same. After examining the witness and going through the material statement and documents the Enquiry Officer found the workman guilty of misconduct and the charge of unauthorized absence was established against him. There is material to indicate that the workman did not perform his duty diligently and his unauthorized absence from duty was proved in course of Enquiry Proceeding. Consequent to such Enquiry Proceeding the General Manager of Kajora Area of ECL in his letter dated 27.07.1995 dismissed Prakash Hela from service for gross misconduct. Having considered the contents of letter resulting in dismissal of workman I find that no formal order of dismissal was passed by the Disciplinary Authority / Controlling Authority. It also appears to me that the management of ECL did not issue any Second Show Cause Notice to the workman nor supply him with Report of Enquiry Proceeding, inviting his response to the same before taking any final decision.

**10.** In the context of non-issuance of Second Show Cause Notice it would be pertinent to place reliance on the observation of the Hon'ble Supreme Court of India in the case of **Union of India and Others vs Mohd. Ramzan Khan [AIR (1991) SC 471]**, wherein the Hon'ble Supreme Court of India laid down the law as follows:

*“When the Inquiry Officer is not the Disciplinary Authority, the delinquent employee has a right to receive a copy of the Inquiry Officer's report before the Disciplinary Authority arrives at its conclusion with regard to the charges levelled against him. A denial of the inquiry officer's report before the Disciplinary Authority takes its decision on the charges, is denial of opportunity to the employee to prove his innocence and is a breach of principles of natural justice.”*

**11.** In the case of **Managing Director, ECIL, Hyderabad vs. B. Karunakaran [1993 (3) SLR 532 (SC)]**, the Hon'ble Supreme Court of India on further examination laid down the following guidelines and direction :

*“It is evident where the Inquiry Officer is other than the Disciplinary Authority, the disciplinary proceeding break into two stages. The first stage when the Disciplinary Authority arrives at its conclusion on the basis of evidence, Inquiry Officer's report and the delinquent employee's reply to it. The second stage begins when the Disciplinary Authority decides to impose penalty on the basis of its conclusion. If the Disciplinary Authority decides to drop the proceeding, the second stage is not even reached. The employee's right to receive the report is thus, a part of the reasonable opportunity of defending himself in the first stage of inquiry. If he right is denied to him, he is in effect denied the right to prove his innocence in the disciplinary proceeding.”*

**12.** In this context Coal India Limited (hereinafter referred to as CIL) issued a Circular bearing No. CIL C-5A(VI)/50774/28 dated 12.05.1994, wherein referring to the aforesaid decisions of the Hon'ble Supreme Court of India the Director (P&IR), CIL clearly indicated that the law laid down in Mohd. Ramzan Ali's case would operate prospectively to the orders of punishment passed after 20.11.1990. The Enquiry Report should be supplied to the charged employee and while communicating the final order it must be mentioned that the representation of the employee was taken into consideration by the Disciplinary Authority.

**13.** In view of the binding nature of the above referred decisions of the Hon'ble Supreme Court and the Circular issued by CIL on 12.05.1994 there is no escape from service of a Second Show Cause Notice to the delinquent employee along with copy of Enquiry Proceeding and thereafter on considering his representation, if any, imposed a suitable punishment against him. In the instant case the Enquiry Officer and Disciplinary Authority are different persons therefore, the workman ought to have been provided with an opportunity to make his representation before imposing a harsh punishment of dismissal against him. The mandates of the Hon'ble Supreme Court of India have not been followed by the management of ECL in the present case, thereby the second part of the proceeding leading to dismissal of the employee has been vitiated. When the Enquiry Proceeding is itself vitiated for want of mandatory compliance, it is immaterial whether any representation or appeal has been preferred by the workman within forty-five days from the date of dismissal of the workman according to the Certified Standing Order of the company specially when there is no limitation in raising the Industrial Dispute under the Industrial Disputes Act, 1947.

**14.** Under the foregoing facts and circumstances and the guiding legal principles set out in the above decisions, I find and hold that the Letter of dismissal dated 27.07.1995 of Prakash Hela issued by the General Manager of Kajora Area of ECL is arbitrary, violative of natural justice, improper and bad in law and the same is hereby set aside.

**15.** The General Manager is directed to serve a Second Show Cause Notice to Prakash Hela and supply him with Report of Enquiry Proceeding with Findings within one month from the receipt of the Notification of the Award, calling upon him to submit his response / reply within fifteen (15) days and after considering the same, along with other relevant materials pass a fresh order which shall be communicated to the workman within fifteen (15) days from the date of Order. The entire exercise shall be completed within two (2) months after receipt of the Notification of the Award. The Industrial Dispute is accordingly allowed in favour of the workman. In default, Prakash Hela shall be treated to be in service thereafter and his period of absence shall be treated as dies non.

Hence,

### **ORDERED**

that the letter of dismissal of Prakash Hela dated 27.07.1995 issued by the General Manager of Kajora Area of ECL is arbitrary, bad in law and hereby set aside. The General Manager shall issue a Second Show Cause Notice to Prakash Hela and supply a copy of Report of Enquiry Proceeding to him with Findings, seeking his response / reply and after considering all materials and reply submitted by the workman, shall pass a fresh Order in respect of the finality of Departmental Proceeding. The Order shall be communicated to the workman within fifteen days from such order. The question of reinstatement is to be decided accordingly thus the Industrial Dispute is allowed in favour of Prakash Hela and against the management of ECL on contest. Let an award be drawn up in the light of my above findings. If the management of ECL does not follow the aforesaid time frame, Prakash Hela shall be treated to be in his service on expiry of the time limit set out and the period of his absence shall be treated as dies non. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer,

नई दिल्ली, 20 नवम्बर, 2023

**का.आ. 1826.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय**, आसनसोल के पंचाट (संदर्भ संख्या 39/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/11/2023 को प्राप्त हुआ था।

[सं. एल-22012/6/2007 .आई. आर. (सी.एम.II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 20th November, 2023

**S.O. 1826.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Ref. No. 39/2007**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on 13/11/2023

[No. L-22012/6/2007 – IR (CM-II)]

MANIKANDAN. N, Deputy Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,  
ASANSOL**

**PRESENT :** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 39 OF 2007**

**PARTIES:** Mannan Sharif

**Vs.**

Management of Kumardihi “A” Colliery of ECL

**REPRESENTATIVES:**

For the Union/Workman: Sushil Banerjee, Union representative.  
For the Management of ECL: Mr. P. K. Goswami, Adv.

**INDUSTRY :** Coal.  
**STATE :** West Bengal.  
**Dated :** 11.10.2023

**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/6/2007-IR(CM-II)** dated 29.06.2007 has been pleased to refer the following dispute between the employer, that is the Management of Kumardihi “A” Colliery under Bankola Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**SCHEDULE**

*“ Whether the action of the management of Kumardihi A Colliery under Bankola Area of M/s. Eastern Coalfields Limited in deducting the attendance bonus paid for the period from 19.6.2005 to 23.8.2005 from the monthly wages of Sri Manan Sarif is legal and justified? If not, to what relief is the workman entitled? ”*

**1.** On receiving Order **No. L-22012/6/2007-IR(CM-II)** dated 29.06.2007 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 39 of 2007** was registered on 03.05.2007 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

**2.** Mr. P. K. Goswami, learned advocate for Eastern Coalfields Limited is present. The case is fixed up today for evidence of workman witness. Notice was issued to Mannan Sharif, aggrieved workman under registered

post but on repeated calls at 12.40 pm none appeared for the workman. The General Secretary, Ukhra Colliery Mazdoor Union (INTUC) is not available

3. After registration of this case on 03.05.2007 written statement was submitted by the union on behalf of the workman on 19.11.2015 and the management also filed their written statement on 06.12.2016. After several opportunities granted to the workman, no evidence has been adduced till date. In my considered view the workman is disinclined to proceed for which he has not appeared after issuance of Notice on different dates. The Industrial Dispute is accordingly disposed of in the form of a **No Dispute Award**.

Hence,

### ORDERED

that a **No Dispute Award** be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer,

नई दिल्ली, 20 नवम्बर, 2023

का.आ. 1827.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल.के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 02/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/11/2023 को प्राप्त हुआ था।

[सं.एल. 22012/152/2013.आई. आर. (सी.एम. II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 20th November, 2023

**S.O. 1827.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Ref. No. 02/2014**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on 13/11/2023

[No. L-22012/152/2013 – IR (CM-II)]

MANIKANDAN. N, Deputy Director

### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

#### REFERENCE CASE NO. 02 OF 2014

**PARTIES:** Lakhi Chandra Bhuia

**Vs.**

Management of Nimcha Colliery of ECL

#### **REPRESENTATIVES:**

For the Union/Workman: Mr. Mr. S. K. Pandey, Union representative.

For the Management of ECL: Mr. P. K. Goswami, Adv.

**INDUSTRY:** Coal.  
**STATE:** West Bengal.  
**Dated:** 06.09.2023

### AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/152/2013-IR(CM-II)** dated 17.12.2013 has been pleased to refer the following dispute between the employer, that is the Management of Nimcha Colliery under Satgram Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

### SCHEDULE

*“ Whether the action of the Management of Nimcha Colliery under Satgram Area, M/s. E. C. Limited in dismissing the workman Shri Lakhi Chandra Bhuia, Surface Trammer with effect from 1.7.2011 only on the ground of absenteeism is justified? What relief the workman is entitled for? ”*

1. On receiving Order **No. L-22012/152/2013-IR(CM-II)** dated 17.12.2013 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 02 of 2014** was registered on 14.02.2014 and an order was passed issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Mr. P. K. Goswami, learned advocate for the management of Eastern Coalfields Limited is present. The case is fixed up today for appearance of the dismissed workman, Lakhi Chandra Bhuia and for his cross-examination. Mr. Sumit Choudhary, Management Witness who has filed affidavit-in-chief is present. On repeated call at 1:00 PM none appeared for Lakhi Chandra Bhuia, the dismissed workman. In compliance with order dated 04.07.2023 Notice under registered post was issued to the dismissed workman at his address but he did not turn up.
3. After registration of this case on 14.02.2014 Notice were issued to the parties and management as well as the workman filed their written statements. However, no evidence has been adduced by the workman nor did he appear to meet the counter story of the management. Under such circumstance I am of the considered view that dismissed workman is not inclined to proceed further. The Industrial Dispute is accordingly disposed of in the form of a **No Dispute Award**.

Hence,

### ORDERED

that a **No Dispute Award** be drawn up in light of my observations in respect of the above Reference. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer,

नई दिल्ली, 20 नवम्बर, 2023

**का.आ. 1828.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल.के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल** के पंचाट (संदर्भ संख्या 68/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/11/2023 को प्राप्त हुआ था।

[सं.एल-22012/340/2004 .आई. आर. (सी.एम.II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 20th November, 2023

**S.O. 1828.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Ref. No. 68/2005**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **13/11/2023**

[No. L-22012/340/2004 – IR (CM-II)]

MANIKANDAN. N, Dy. Director



**ANNEXURE****BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,  
ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 68 OF 2005**

**PARTIES:** Shri Shyam Sunder Bouri  
(Represented by legal heirs Smt. Lakhi Bouri and others)

**Vs.**

Management of Patmohna Colliery of ECL

**REPRESENTATIVES:**

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.  
For the Management of ECL: Mr. P. K. Goswami, Adv.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 20.10.2023

**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/340/2004-IR(CM-II)** dated 21.07.2005 has been pleased to refer the following dispute between the employer, that is the Management of Patmohna Colliery under Sodepur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**SCHEDULE**

*“Whether the action of the management of Patmohna Colliery under Sodepur Area of Eastern Coalfields Limited in dismissing Sh. Shyam Sunder Bouri from services w.e.f. 22.12.2000 is legal and justified? If not, to what relief the individual is entitled?”*

1. On receiving Order **No. L-22012/340/2004-IR(CM-II)** dated 21.07.2005 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 68 of 2005** was registered on 17.08.2005 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. After several dates fixed for appearance, Management filed their written statement on 07.08.2006 through their advocate Shri Pijush Kanti Goswami. Mr. Rakesh Kumar, the then General Secretary of the union appeared for the first time on 13.10.2009 representing the workman. On 17.03.2015 a substitution petition was filed by the union representative on behalf of 1. Smt Lakhi Bouri (wife), 2. Rohit Bouri (son), 3. Tulu Bouri, 4. Manu Bouri, 5. Shilpi Bouri, being married daughters of Shyam Sunder Bouri, the dismissed workman. In the petition it is disclosed that Shyam Sunder Bouri died on 28.02.2008 leaving behind the aforesaid persons as his legal heirs and the name of the said petitioners are required to be substituted in place of the name of the deceased employee. On 09.09.2015 the prayer for substitution was allowed. It appears from the record that since appearing in this Industrial Dispute proceeding, the union representative did not file any written statement. After substitution of legal heirs of deceased employee on 09.09.2015, the case was fixed for evidence of workman witness without disclosure of any specific case on behalf of the workman.

3. In gist, the fact of the case as may be derived from the written statement filed by the management is that, Shyam Sunder Bouri was a permanent employee of Eastern Coalfields Limited and was posted at Patmohna Colliery. Due to his unauthorized absence from 11.08.1999, he was Charge Sheeted on 24.01.2000. No reply to the Charge Sheet was submitted by the workman nor did he participate in the departmental enquiry held against him. Reasonable opportunity was given to the workman to defend himself and notice of enquiry was also issued but the workman did not appear. As a result, the enquiry proceeding was held ex-parte. After completion of hearing, management found the workman guilty of charge of misconduct and submitted it's report. The competent authority on perusing the enquiry



report and considering the gravity of misconduct served a notice seeking explanation before inflicting any punishment. The workman did not respond. The management therefore had no occasion to show leniency and the workman was dismissed from the service according to the provisions of the standing order. A letter of dismissal bearing Ref. No. BMP/C-6/12-A/1677 dated 22.12.2000 was issued to the workman. For the first time, union raised an Industrial Dispute regarding dismissal only on 02.04.2004, after passage of three years and three months, without having any reasons for delay. It is the case of the management that the conduct of the workman could not be mended and he does not deserve any leniency for his unauthorized absence. The workman is earning his livelihood from some other source and is not entitled to any monetary relief. On the basis of such contentions, the management prayed that the dismissal of the workman may be considered to be justified and legal and that he is not entitled to any relief.

4. Smt. Lakhi Bouri, the widow of Shyam Sunder Bouri submitted her affidavit-in-chief on 07.04.2016 where she has stated that her husband was a permanent employee at Patmohna Colliery as Trammer, having U.M. No. 134046. He was unable to attend his duty from 11.08.1999 due to his illness. After his recovery from illness he reported for duty but was not allowed to join. The management issued Charge Sheet to her husband but the same was not supplied to him due to which he could not submit his reply. According to her, the management conducted an ex parte enquiry and decided to dismiss her husband by order No. Pd/C-6/00/36/3062 dated 14/18.12.2000. She further contended that no second show cause notice was issued to her husband before his dismissal and the management has violated the guidelines set by Hon'ble Supreme Court. She has also stated that the punishment of dismissal was disproportionate and such extreme punishment should not have been imposed for absence from duty for a period of five months and thirteen days only. An Industrial Dispute was thereafter raised by her husband through Koyala Mazdoor Congress which ended in a failure and Ministry of Labour referred this Industrial Dispute before CGIT-cum-LC, Asansol for adjudication. During pendency of case at CGIT-cum-LC, Asansol, her husband died on 28.02.2008 leaving behind Lakhi Bouri as widow, Rohit Bouri as son and three daughters, namely Tulu Bouri, Manu Bouri and Shilpi Bouri. She asserted that her husband had no source of income for maintaining his family and faced hardship and starvation. She claimed that the order of dismissal passed against her husband should be declared illegal and set aside and he should be treated to have been in employment of the company and furthermore he should be considered to have died while in service of the company and therefore one dependent of Shyam Sunder Bouri should be provided employment as per provision of NCWA. No separate written statement has been filed on behalf of the workman.

5. During evidence of workman witness, Lakhi Bouri (WW-1) was cross-examined where she deposed that her husband was medically treated by private doctors and that her husband was suffering from illness for five years prior to his dismissal. She denied the suggestion of the management that her husband was not suffering from any illness or he was not being treated by any doctor. In course of cross-examination, no question was put to the witness regarding service of Charge Sheet, notice of enquiry or second show cause notice. There is no iota of evidence in the cross-examination of the management to suggest that the deceased person or his family members were aware of the Charge Sheet or initiation of departmental proceedings against Shyam Sunder Bouri.

6. Rohit Bouri, the son of the deceased workman has been examined as another witness and he was cross-examined on 31.03.2023. In his evidence-in-chief he deposed that his father committed suicide in their house on 2008 and produced death registration certificate as Exhibit W-1. He stated that due to unauthorized absence from duty, his father was dismissed from the service and the instant case is for the purpose of getting employment in place of his deceased father. In cross-examination, the witness stated that he is not aware about the number of days his father attended duty before dismissal. The evidence of Rohit Bouri appears to be very formal in nature and instead of throwing any light on the reason of absence of his father from attending duty, he has come forward to claim employment in place of his deceased father.

7. The management of ECL examined Rahul Panwar as MW-1. In his affidavit-in-chief, the witness stated that Shyam Sunder Bouri absented from duty from 11.08.1999 to 24.01.2000 for which he was chargesheeted. The workman did not reply to the chargesheet as such notice of enquiry was sent to the workman at his home address but he did not appear. The enquiry proceeding was held ex parte against the workman as he did not participate. The management produced the following documents :

- (i) A copy of Charge Sheet is marked as Exhibit M-1.
- (ii) Copies of notices of enquiry issued to the workman for his departmental enquiry are marked as Exhibit M-2 and Exhibit M-3.
- (iii) Copy of Office Order dated 24.02.2000 by which an Enquiry Officer was appointed for the departmental enquiry is produced as Exhibit M- 4.
- (iv) Enquiry proceeding collectively in four pages is marked as Exhibit M- 5.
- (v) A copy of second show cause notice issued to the workman is produced as Exhibit M- 6.

- (vi) Photocopy of acknowledgement card and the envelope in which the notice of enquiry was sent is marked as Exhibit M-7.
- (vii) Copy of order of dismissal of Shyam Sunder Bouri from service dated 19.12.2000 is produced as Exhibit M- 8
- (viii) Letter communicating dismissal of service of Shyam Sunder Bouri dated 22.12.2000, as Exhibit M- 9.

In course of cross-examination, witness deposed that he is unable to show any document that the concerned employee received the chargesheet. The witness denied that the dismissal of workman from service was illegal.

**8.** Mr. Rakesh Kumar, Union representative arguing the case on behalf of the dismissed employee submitted that the management has arbitrarily dismissed the workman without service of Charge Sheet, enquiry notice or the enquiry proceeding to the workman before terminating his service. It is argued that such act on the part of management is illegal and the dismissal of workman is liable to be set aside and he should be considered to be in service at the time of his death on 28.02.2008. The union representative urged that since the workman has died in course of proceedings, the management of company should pay full back wages to his wife and other legal heirs.

**9.** In reply, Mr. P. K. Goswami, learned advocate for the management of ECL argued that fair and reasonable opportunity was given to the workman to appear and face the enquiry proceeding but he preferred to remain silent without participating in the enquiry. It is submitted that the charge levelled against the workman for his unauthorized absence from 11.08.1999 till issuance of Charge Sheet on 24.01.2000 has not been denied and no material evidence has been brought forward to dispute the charge. Learned advocate submitted that proper notice for enquiry was issued to the workman at his residential address at Village – Ranadanga, P.O. – Kalipahari, District – Burdwan but he neither appeared nor sought any accommodation. The management of the company undertook to proceed exparte against the workman for his unauthorized absence. The Enquiry officer in his report has stated that he served five notices of enquiry and fixed several dates for the purpose of holding enquiry but the workman did not turn up nor did he submit any information for his failure to attend. The enquiry was held in the Office of the Agent where Mr. Goutam Banerjee, Sr. PO was present along with witnesses namely Sri Jagatram Chatterjee and Sri Somnath Chatterjee, Bill Clerk and Leave Clerk respectively. On considering their statement, the Enquiry Officer observed that the previous record of attendance of chargesheeted employee revealed that he committed misconduct under Sec 26(29) of C.S.O., by absenting himself from his duty from 11.08.1999 to 04.09.2000, causing dislocation of company's work and inconvenience to the fellow workers. Accordingly, it was held by the Enquiry Officer that the charge was established against the workman beyond doubt. Following the enquiry, the report was submitted to the Agent, BMP Group of Mines for further action. Learned advocate for the management referred to Exhibit M-5, observation of Enquiry Officer and second show cause notice (Exhibit M-6). It is submitted that the final notice of enquiry dated 14/16.08.2000 was sent to Shyam Sunder Bouri under Registered Post but the same was returned with an endorsement "Refused".

**10.** It is the case of the management that after considering the departmental proceedings and other relevant documents, the General Manager directed dismissal of Shyam Sunder Bouri with immediate effect (Exhibit M-8). The Agent, BMP Group of Mines communicated the order of dismissal to the workman by letter dated 22.12.2000 (Exhibit M-9). It is argued on behalf of management that workman serving the company is required to ensure his attendance and in case of any inability to attend his duty the workman must inform the management so that there is no dislocation of work in the premises of the company for sudden unauthorized absence. In the instant case, the workman neither turned up nor did he participate in the proceeding or seek any accommodation in the enquiry proceeding. The workman did not assign any reason for his absence. Therefore, the order of dismissal is appropriate and the same should not be interfered with.

**11.** I have considered the fact and circumstances in this case and the evidence adduced by the parties. Instant Industrial Dispute has been raised by Koyala Mazdoor Congress, Worker's union after more than four years from the date of dismissal of the workman. In course of the Industrial Dispute, the workman died and his legal heirs have been substituted. The workman's union did not file any written statement in support of their case nor have they produced any medical documents to establish that Shyam Sunder Bouri was suffering from any illness during the period of his absence from 11.08.1999 till date of submission of Charge Sheet on 24.01.2000 or thereafter. Workman is accountable to his employer and it is essential for him to inform the reason of his absence and take necessary leave so that regular work in employer's establishment is not disrupted. In the instant case, the conduct of Shyam Sunder Bouri appears to be nonchalant as he neither reported for his duty nor did he assign any reason for his long absence. For the purpose of smooth running of company affairs, the management issued Charge Sheet (Exhibit M-1) to the workman but no reply was submitted. Notice of enquiry under Registered Post was issued to the workman on 02.03.2000 and 14.08.2000 fixing time, date and venue for departmental enquiry. The workman appears to have refused to receive the notice as it is evident from Exhibit M-7. A second show cause notice was issued to the workman on 18.09.2000 which was communicated to him under Registered post at his residential address (Exhibit M-6). The workman did not respond to the Notice. Having considered different documents relating to enquiry proceeding, the competent Authority expressed his decision to dismiss the workman from service. Such order of General Manager, Sodepur Area contained in his letter dated 14.08.2000 was addressed to the Agent, BMP Group of Mines (Exhibit M-8) and

subsequently a letter of dismissal was issued by the Agent to the workman. In course of cross-examination of management witness, a copy of Notesheet was initiated by the Agent proposing dismissal of the chargesheeted employee has been produced as Exhibit W-2. From the said document it would appear that the Notesheet was initiated on 14.11.2000 after issuance of second show cause notice on 18.09.2000. The Notesheet reveals that the matter was taken up by different rungs of the management and ultimately the General Manager directed the dismissal of the workman. I do not find any irregularity or illegality in the process of initiation, conduction and decision made in the enquiry proceeding. In my considered view the decision of the management to dismiss Shyam Sunder Bouri from his service on account of unauthorized absence for a long period is found just and appropriate and I find no reason to interfere with the order of dismissal. Accordingly, I hold that legal heirs of Shyam Sunder Bouri are not entitled to any back wages from the date of dismissal. The Industrial Dispute is thus dismissed on contest.

Hence,

### ORDERED

an Award be drawn up against the workman in the light of my above decision. The dismissal of the workman from service by the management is justified and calls for no interference. Let a copy of this Award be communicated to the Ministry for information and Notification

ANANDA KUMAR MUKHERJEE, Presiding Officer,

नई दिल्ली, 20 नवम्बर, 2023

**का.आ. 1829.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल.के प्रबंधन के संबंधित नियोजन और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 06/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/11/2023 को प्राप्त हुआ था।

[सं. एल-22013/01/2023-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 20th November, 2023

**S.O. 1829.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 06/2018) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the Management of E.C.L. and their workmen, received by the Central Government on 13/11/2023.

[No. L-22013/01/2023 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

#### APPLICATION NO. 06 OF 2018

**PARTIES:** Bideshi Kora.

**Vs.**

General Manager, Sodepur Area of ECL.

#### REPRESENTATIVES:

For the Union/Workman: Mr. Asit Kumar Mukherjee, adv.  
Ms. Jayasree Mukherjee, adv.

For the Management of ECL: Mr. P. K. Das, adv.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 13.09.2023

**AWARD**

1. This Application raising Industrial Dispute by Bideshi Kora, dismissed workman against the General Manager, Sodepur Area, Eastern Coalfields Limited is fixed up today for evidence. On repeated calls at 12:25 PM none appeared for Bideshi Kora. Mr. Asit Kumar Mukherjee and Smt. Jayasree Mukherjee, advocates for the petitioner are found absent. Mr. P. K. Das, learned advocate who has filed written statement on behalf of the Agent / Chief Manager (M), BMP Group is present.
2. The application has been filed directly before this Tribunal supported by a Certificate issued by Conciliation Officer under Section 2A of the Industrial Dispute Act, 1947 dated 14.11.2018, disclosing that Assistant Secretary of Colliery Mazdoor Sabha (CITU) filed an Industrial Dispute under Section 2A of the Industrial Dispute (Amendment) Act, 2010 before the office of the Assistant Labour Commissioner (Central), Asansol consequent upon the termination of Kartick Turi, Ex-Trammer from the services w.e.f. 27.07.2018 by the Management of Patmohna Colliery under Sodepur Area of Eastern Coalfields Limited. As no settlement was reached within the mandatory period of forty-five (45) days a Certificate was issued in favour of the Union to enable them to approach the Central Government Industrial Tribunal -cum- Labour Court.
3. On a perusal of the petition filed by Bideshi Kora it appears to me that the General Manager, Sodepur Area of Eastern Coalfields Limited was arrayed as the opposite party and neither the Agent of BMP Group nor the Chief Manager (M) of BMP Group of Eastern Coalfields Limited. Written statement filed on behalf of the management is misconceived and hence, not accepted. Vokatnama has been filed by Mr. P. K. Goswami in this application and the same has been issued by the Chief Manager (M) of BMP Group instead of G.M., Sodepur Area.
4. In his application, workman prayed for setting aside the order of dismissal passed against him, for his reinstatement, payment of full back wages and other benefits w.e.f. 02.05.2016 and to declare the period of his absence as 'dies non' so that there is no breakage of service. I also take note that instead of filing a petition under section 2A of the Industrial Disputes Act, 1947, the petitioner has filed the application under section 33A of the Industrial Disputes Act, 1947 which relates to change in condition of service during pendency of proceeding. The advocate sought for accommodation on two consecutive dates i.e. on 28.12.2022 and 13.03.2023 for amending the application. Till date no such application has been filed and this Tribunal is constrained to fix the case today for evidence.
5. On a perusal of record, I find that the dismissed workman is not diligent in proceeding with this case and advocates are also found absent. Under such circumstances, application seeking relief for setting aside the order of dismissal and reinstatement is dismissed in the form of a **No Dispute Award** for default.

Hence,

**ORDERED**

that a **No Dispute Award** be drawn up in respect of the above the Application under sub-section 2 and 3 of section 2A of the Industrial Disputes Act, 1947. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2023

का.आ. 1830.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल.के प्रबंधन के संबंधित नियोजन और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 07/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/11/2023 को प्राप्त हुआ था।

[सं. एल-22013/01/2023-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 20th November, 2023

**S.O. 1830.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Ref. No. 07/2018**) of the **Central Government Industrial Tribunal-**

**cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **13/11/2023**

[No. L-22013/01/2023 – IR (CM-II)]

MANIKANDAN. N , Dy. Director

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, ASANSOL.

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

#### APPLICATION NO. 07 OF 2018

**PARTIES:** Biju Das.

**Vs.**

General Manager, Sodepur Area of ECL.

#### REPRESENTATIVES:

For the Union/Workman: Mr. Asit Kumar Mukherjee, adv.  
Ms. Jayasree Mukherjee, adv.  
For the Management of ECL: Mr. Manipadma Banerjee, adv.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 13.09.2023

#### AWARD

1. This Application under Industrial Disputes Act, 1947, filed by Biju Das, dismissed workman against the General Manager, Sodepur Area, Eastern Coalfields Limited is fixed up today for evidence of workman. On repeated call at 12:35 PM none appeared for Biju Das. Mr. Asit Kumar Mukherjee and Smt. Jayasree Mukherjee, advocates for the petitioner are found absent. Mr. Manipadma Banerjee, learned advocate who has filed written statement on behalf of the Agent / Chief Manager (M), BMP Group of ECL is present.

2. The application has been filed directly before this Tribunal supported by a Certificate issued by Conciliation Officer under Section 2A of the Industrial Dispute Act, 1947 dated 14.11.2018, disclosing that Assistant Secretary of Colliery Mazdoor Sabha (CITU) filed an Industrial Dispute under Section 2A of the Industrial Disputes (Amendment) Act, 2010 before the office of the Assistant Labour Commissioner (Central), Asansol consequent upon the termination of Kartick Turi, Ex-Trammer from the services w.e.f. 28.07.2018 by the Management of Patmohna Colliery under Sodepur Area of Eastern Coalfields Limited. As no settlement was reached within the mandatory period of forty-five (45) days a Certificate was issued in favour of the Union to enable them to approach the Central Government Industrial Tribunal -cum- Labour Court.

3. On a perusal of the petition filed by Biju Das it appears to me that the General Manager, Sodepur Area of Eastern Coalfields Limited was arrayed as the opposite party and neither the Agent of BMP Group nor the Chief Manager (M) of BMP Group of Eastern Coalfields Limited. Written statement filed on behalf of the management is misconceived and hence, not accepted.

4. In his application, workman prayed for setting aside the order of dismissal passed against him, for his reinstatement, payment of full back wages and other benefits w.e.f. 26.05.2016 and to declare the period of his absence as 'dies-non' so that there is no breakage of service. I also take note that instead of filing a petition under section 2A of the Industrial Disputes Act, 1947, the petitioner has filed the application under section 33A of the Industrial Disputes Act, 1947 which relates to change in condition of service during pendency of proceeding. The advocate sought for accommodation on two consecutive dates i.e. on 28.12.2022 and 13.03.2023 for amending the

application. Till date no such application has been filed and this Tribunal is constrained to fix the case today for evidence of workman.

5. On a perusal of record, I find that the dismissed workman is not diligent in proceeding with this case and advocates are also found absent. Under such circumstances, application seeking relief for setting aside the order of dismissal and reinstatement is dismissed in the form of a **No Dispute Award** for default.

Hence,

### ORDERED

that a **No Dispute Award** be drawn up in respect of the above the Application under sub-section 2 and 3 of section 2A of the Industrial Disputes Act, 1947. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2023

**का.आ. 1831.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंध निदेशक-सीईओ/परियोजना प्रबंधक, दिल्ली मेट्रो रेल कॉर्पोरेशन, बाराखम्भा रोड, नई दिल्ली; निदेशक मैसर्स केएसजे डायनेमिक्स सिक्योरिटी प्रा. लिमिटेड, कापसहेड़ा एक्सटेंशन कापसहेड़ा, नई दिल्ली, के प्रबंधन के संबंध में नियोजकों और श्री लाल सिंह, कामगार, द्वारा- अखिल भारतीय जनरल मजदूर ट्रेड यूनियन, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 नई दिल्ली पंचाट(संदर्भ संख्या 33/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 20.11.2023 को प्राप्त हुआ था।

[ सं. एल -42011/202/2021-आईआर(डीयू)]

डी.के.हिमांशु, अवर सचिव

New Delhi, the 20th November, 2023

**S.O. 1831.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 33/2022) of the **Central Government Industrial Tribunal cum Labour Court - I New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Managing Director-CEO/Project Manager, Delhi Metro Rail Corporation, Barakhamba Road, New Delhi; The Director M/s KSJ Dynamics Security Pvt. Ltd., Kapashera Extn. Kapashera, New Delhi, and Shri Lal Singh, Worker, through- All India General Mazdoor Trade Union, Kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 20.11.2023.

[No. L-42011/202/2021-IR (DU)]

D.K.HIMANSHU, Under Secy.

### ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI-1, ROOM NO. 207, ROUSE AVENUE COURT COMPLEX, NEW DELHI**

**I.D. NO. 33/2022**

Sh. Lal Singh S/o Sh. O.P. Singh,  
Rept. By All India General Mazdoor Trade Union  
Regd. Office, 170, Bal Mukund Khand, Giri Nagar  
Kalkaji, New Delhi-110001

.....Workman

Versus

1. The Managing Director-CEO/Project Manager  
Delhi Metro Rail Corporation, Head Office =, Metro Bhawan,  
Fire Brigade Lane, Barakhamba Road,  
New Delhi-110001.

2. The Director M/s KSJ Dynamics Security Pvt. Ltd.  
Plot No. 273, 2<sup>nd</sup> Floor, Near SBI Old Delhi Gurgaon Road,  
Kapashera Exten. Kapashera,  
New Delhi-110037.

.....Managements

### AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No. L-42011/202/2021 (IR(DU) of dated 31.01.2022 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the demand of All India General Mazdoor Trade Union (Regd.) vide letter dated 08.04.2021 in respect of Sh. Lal Singh against the managements of M/s KSJ Dynamics Security Pvt Ltd., (contractor) under Delhi Metro Rail Corporation (DMRC) for bonus for the year 2019-2020 is proper, legal and justified? If so, what relief the said worker is entitled to?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the managements, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Justice Sh. VIKAS KUNAVAR SHRIVASTAVA (Retd.), Presiding Officer

नई दिल्ली, 20 नवम्बर, 2023

का.आ. 1832.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स वेल्किन टेलीकॉम इंफ्रा प्राइवेट लिमिटेड, के प्रबंधन के संबंध में नियोजकों श्री जाहर मित्रा, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय-आसनसोल पंचाट (संदर्भ संख्या 27 OF 2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.11.2023 को प्राप्त हुआ था।

[सं. एल -40012/2/2022-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 20th November, 2023

S.O. 1832.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 27 OF 2022) of the **Central Government Industrial Tribunal cum Labour Court - Asansol** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s. Welkin Telecom Infra Private Limited, and Shri Jahar Mitra, Worker**, which was received along with soft copy of the award by the Central Government on 07.11.2023.

[No. L-40012/2/2022-IR (DU) ]

D. K. HIMANSHU, Under Secy.



**ANNEXURE****BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 27 OF 2022**

**PARTIES:** Jahar Mitra

**Vs.**

Management of M/s. Welkin Telecom Infra Private Limited

**REPRESENTATIVES:**

For the Union/Workman: Jahar Mitra, workman (in person).

For the Management: Mr. Rajen Nayek, Management Representative of  
M/s. Welkin Telecom Infra Private Limited.

**INDUSTRY:** Telecommunications.

**STATE:** West Bengal.

**Dated:** 11.10.2023

**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-40012/2/2022-IR(DU)** dated 26.05.2022 has been pleased to refer the following dispute between the employer, that is the Management of M/s. Welkin Telecom Infra Private Limited, Kolkata and their workman for adjudication by this Tribunal.

**SCHEDULE**

*“ Whether the action of the management of M/s. Welkin Telecom Infra Private Limited, Kolkata in superannuating Shri Jahar Mitra, Mobile Tower Assistant, w.e.f. 20.05.2021 vide their Notice dated 01/04/2021, as raised by Security & Allied Workers’ Union West Bengal, Kolkata vide letter dated 28.05.2021 is proper, legal and justified? If not, to what relief Shri Jahar Mitra is entitled to? What other directions, if any, are necessary in the matter? ”*

**1.** On receiving Order **No. L-40012/2/2022-IR(DU)** dated 26.05.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 27 of 2022** was registered on 13.06.2022 / 01.07.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

**2.** This Industrial Dispute is fixed up today for appearance of the workman and filing written statement. Mr. Jahar Mitra, aggrieved workman and an employee of M/s. Welkin Telecom Infra Private Limited has appeared in person.

**3.** After receipt of the said Order, a Reference case has been registered and Notice was issued to M/s. Welkin Telecom Infra Private Limited and the General Secretary, Security and Allied Workers’ Union (INTUC). M/s. Welkin Telecom Infra Private Limited have filed their written statement on 11.04.2023 but neither the workman nor the union has filed written statement.

**4.** M/s. Welkin Telecom Infra Private Limited, the employer of Jahar Mitra in their written statement have stated that the date of birth of the workman was recorded as 21.05.1963 and as per the Bengal Industrial Employment (standing order) Rules 1946, date of retirement of Jahar Mitra was 20.05.2021 after he attained the age of 58 years. A letter of superannuation was sent to him on 01.04.2021. After receipt of letter of superannuation Jahar Mitra corrected his Aadhaar card and submitted a copy of his Aadhaar Card to the company on 13.08.2021 which is not acceptable and employer company urged that the case has been filed on suppression of material facts for unlawful gain and same should be dismissed.

**5.** Jahar Mitra has not filed any written statement but he claims to be in service till 21.05.2023. The moot question is whether the Industrial Dispute raised by the employee working in a private company is maintainable before the Central Government Industrial Tribunal -cum- Labour Court, Asansol. The provision of Section 2(a)(i) of



the Industrial Disputes Act, 1947 clearly lays down that : “*appropriate government means in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government*”.

6. The present case is not covered by Section 2(a)(i) of the Industrial Disputes Act, 1947 as the concerned petitioner employee was employed under M/s. Welkin Telecom Infra Private Limited and the employer industry is not under the control of the Central Government or is not concerning any such controlled industry specified by the Central Government. Section 2(a)(ii) of Industrial Disputes Act, 1947 lays down that in relation to any other Industrial Disputes, the State Government is the appropriate Government.

Under such circumstance I am of the considered view that this Industrial Dispute referred to the Central Government Industrial Tribunal -cum- Labour Court, Asansol is misconceived and the same cannot be entertained by this forum. Petitioner, Jahar Mitra is granted liberty to move to the appropriate forum i.e. the State Industrial Tribunal for his redressal. Matter is accordingly disposed of.

Hence,

### ORDERED

that an Award be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2023

का.आ. 1833.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अध्यक्ष, केंद्रीय माध्यमिक शिक्षा बोर्ड, प्रीत विहार, दिल्ली; निदेशक, न्यू ग्रो सॉफ्टवेयर सॉल्यूशन, प्रा. लिमिटेड, पीरागढ़ी चौक, नई दिल्ली; प्रबंध निदेशक, महिपालपुर एक्सटेंशन, नई दिल्ली, के प्रबंधतंत्र के संबद्ध नियोजकों और श्री उमेर आलम, कामगार, द्वारा - दिल्ली कार्यालय एवं प्रतिष्ठान कर्मचारी संघ, विष्णु दिगंबर मार्ग, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 नई दिल्ली पंचाट(संदर्भ संख्या 246/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 20.11.2023 को प्राप्त हुआ था।

[सं. एल -42011/87/2017-आईआर(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 20th November, 2023

S.O. 1833.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 246/2017) of the **Central Government Industrial Tribunal cum Labour Court - I New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Chairmen, Central Board of Secondary Education, Preet Vihar, Delhi ; The Director, New Grow Software Solution, Pvt. Ltd., Peeragarhi Chowk, New Delhi ; The Managing Director, Mahipalpur Extension, New Delhi, and Shri Umer Alam, Worker, Thtough-Delhi Office & Establishment Employees Union, Vishnu Digember Marg, New Delhi**, which was received along with soft copy of the award by the Central Government on 20.11.2023.

[No. L-42011/87/2017-IR (DU) ]

D. K. HIMANSHU, Under Secy.

### ANNEXURE

**BEFORE THE JUSTICE VIKAS KUNVAR SRIVASTAVA (RETD.) PRESIDING OFFICER,  
GOVERNMENT OF INDIA MINISTRY OF LABOUR & EMPLOYMENT, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM-LABOUR COURT-I, NEW DELHI**

ID. No. 246/2017

Shri Umer Alam S/o Shri Badre Alam,

Rep. Delhi Office & Establishment Employees Union,

BTR Bhawan, 13-A, Rouse Avenue,

Vishnu Digember Marg,

New Delhi - 110092

.....Workman

## Versus

1. The Chairmen,  
Central Board of Secondary Education,  
Shiksha Kendra, 2, Community Centre,  
Preet Vihar, Delhi – 110092.
2. The Director,  
New Grow Software Solution, Pvt. Ltd.  
C-257, Hall No.5, 3<sup>rd</sup> Floor,  
Peeragarhi Chowk, New Delhi.
3. The Managing Director,  
RZ A-83, Road, No.4 Gali No.6  
Mahipalpur Extension,  
New Delhi.

.....Management

## AWARD

In the present case, a reference was received from the appropriate Government vide letter No. L-42011/87/2017-IR(DU) of dated 21.08.2017 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

## SCHEDULE

“Whether the action of management of M/s Neha Aviation Management Pvt. Ltd. Working in the establishment of CBSE, Delhi-92 in terminating the services of workman Sh.Umer Alam S/o Sh.Badre Alam, under the express of implied instruction of CBSE is legal and justified and if not, what relief the said workman is entitled to?”

2. Receiving the said reference, Tribunal ordered to register the same as Industrial Dispute Case pursuant to which the present I.D. Case No.246/2017. The claimant workman filed the statement of claim and made his appearance through his authorized representative Sh.B.K. Prasad. Notice issued to the opposite party for filing of written statement. On 09.10.2018, very promptly the opposite party CBSE put it's appearance before the Tribunal through Ms.Sakshi Sharma vice Shri Ajit Rajput, A/R for the CBSE and filed the written statement.
3. In the meantime application on behalf of the claimant filed for withdraw the present case. The present case is pending before the two courts one before the Tribunal and second is pending before the Hon'ble High Court of Delhi in W.P.C No.12994/2021.
4. Since the present case is dismissed, as withdrawn. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

JUSTICE VIKAS KUNVAR SRIVASTAVA (retd.), Presiding Officer

नई दिल्ली, 20 नवम्बर, 2023

**का.आ. 1834.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, अशोक होटल, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री हीरा बल्लभ, कामगार, द्वारा -अशोक होटल मजदूर जनता यूनियन; अशोक होटल मजदूर कर्मचारी संघ, (इंटक से संबद्ध) द अशोक, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 नई दिल्ली पंचाट (संदर्भ संख्या 147/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 20.11.2023 को प्राप्त हुआ था।

[सं. एल -42011/141/2021-आईआर(डीयू.)]

डी. के.हिमांशु, अवर सचिव

New Delhi, the 20th November, 2023

**S.O. 1834.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 147/2021) of the **Central Government Industrial Tribunal cum**

**Labour Court - I New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Ashok Hotel, New Delhi, and Shri Hira Ballabh, Worker, through- The Ashok Hotel Majdoor Janta Union; Ashok Hotel Majdoor Karamchari Sangh, (Affiliated to INTUC) The Ashok, New Delhi, New Delhi**, which was received along with soft copy of the award by the Central Government on 20.11.2023.

[No. L-42011/141/2021-IR (DU).]

D.K.HIMANSHU, Under Secy.

#### ANNEXURE

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1  
ROOM NO. 207, ROUSE AVENUE COURT COMPLEX, NEW DELHI.**

**Present :** Justice Vikas Kunvar Srivastava (Retd.) (Presiding officer)  
CGIT, Delhi-1

**ID No.147/2021**

Sh. Hira Ballabh rept. By,  
The Ashok Hotel Majdoor Janta Union,  
(Affiliated to HMS), Ashok Hotel Majdoor Karamchari Sangh  
(Affiliated to INTUC) The Ashok,  
New Delhi-110021

Workman

Versus

The General Manager,  
Ashok Hotel, New Delhi-110021

Management

Sh. S.S. Upadhyay, A/R for the claimant  
Ms. Swati Setia, A/R for the management

#### AWARD

In the present case, a reference was received from the appropriate Government vide letter No-L-42011/141/2021-IR(DU) dated 30.11.2021 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

#### SCHEDULE

“Whether the action of management of Ashok Hotel, New Delhi for not sanctioning the casual leave and keeping Sh. Hira Ballabh leave application pending without intimating him the reason for not sanctioning the same as raised by Ashok Hotel Majdoor Janta Union vide letter dated 11.03.2019 is proper, legal and justified? If not, what relief is the disputant entitled to and what other directions, if any, are necessary in the matter?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute.
3. On receipt of the above reference, notice was sent to the workman as well as the managements. Shri S.S. Upadhyaya President, Ashok Hotel Majdoor Janta Union, filed an application for passed the no dispute award. As per the application case has been decided mutually by the management as such no litigation is required.
4. Since the no litigation is pending between the workman and management, Tribunal is passed a “No dispute/Claim” award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Justice VIKAS KUNVAR SRIVASTAVA (Retd.), Presiding Officer

नई दिल्ली, 20 नवम्बर, 2023

का.आ. 1835.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, आयुध निर्माणी, येदुमैलाराम, मेडक (एपी), के प्रबंधन के संबद्ध नियोजकों और महासचिव, रक्षा इकाई रन कैटीन सिविलियन कर्मचारी संघ (बीएमएस), बलैया नगर कॉलोनी, ओल्ड अलवाल, सिकंदराबाद, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-हैदराबाद पंचाट (संदर्भ संख्या 4/2010) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 19.10.2023 को प्राप्त हुआ था।

[सं. एल -14011/52/2009-आईआर(डीयू)]

डी.के. हिमांशु, अवर सचिव

New Delhi, the 20th November, 2023

S.O. 1835.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref.No. 4/2010) of the **Central Government Industrial Tribunal cum Labour Court – Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Ordnance Factory, Yeddumailaram, Medak (AP), and The General Secretary, Defence Unit Run Canteen Civilian Employees Union (BMS), Balaiah Nagar Colony, Old Alwal, Secunderabad**, which was received along with soft copy of the award by the Central Government on 19.10.2023.

[No. L-14011/52/2009-IR (DU)]

D.K.HIMANSHU, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: **Sri IRFAN QAMAR**  
Presiding Officer

Dated the 10<sup>th</sup> day of October, 2023

#### INDUSTRIAL DISPUTE No. 4/2010

Between:

The General Secretary,  
Defence Unit Run Canteen Civilian  
Employees Union (BMS)  
Plot No.101, FR, Balaiah Nagar Colony,  
Old Alwal, Secunderabad.

..... Petitioner

AND

The General Manager,  
Ordnance Factory,  
Yeddumailaram,  
Medak (AP).

.... Respondent

Appearances:

For the Petitioner : Sri K. Phani Raju, Advocate

For the Respondent: M/s. M.C. Jacob, Sudha & K. Ajay Kumar, Advocates

#### AWARD

The Government of India, Ministry of Labour by its order No. L-14011/52/2009-IR(DU) dated 25.1.2019 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Ordnance Factory and their workmen. The reference is,

**SCHEDULE**

“Whether the demand of Unit Run Canteen Civilian Employees Union for regularization of services of Shri K.B.N. Maheshwar, Shri G. Srinivas Goud, Shri G. Sudharshan Goud, Shri D. Srinivas Reddy, Smt. S. Vijaya Gouri, Shri K. Dasharath, and Shri P. Prakash by the Management of Unit run Canteen of Ordnance Factory, Medak is legal and justified? If yes, what relief the workmen are entitled to?”

The reference is numbered in this Tribunal as I.D. No.4/2010 and notices were issued to the parties concerned.

**2. The averments made in the claim statement are as follows:**

It is submitted that the petitioners are claiming their re-engagement into service and further regularization of services with the respondent. It is submitted that the 1<sup>st</sup> petitioner has joined in Unit Run Canteen of Ordnance Factory Project, Yeddumailaram on 2.8.1997 and worked continuously with the respondent. The 2<sup>nd</sup> petitioner joined on 20.10.1998, The 3<sup>rd</sup> petitioner joined on 10.09.1997, the 4<sup>th</sup> petitioner joined on 10.01.1998, the 5<sup>th</sup> petitioner joined on 21.10.2000 and the 6<sup>th</sup> petitioner joined on 20.06.2000 respectively with the respondents. It is to submit that all the applicants have worked continuously with the respondents without any break except the artificial one without any remarks in service. But to their surprise their services were illegally and orally terminated in the month of August, 2009. It is submitted that the respondent's Organization i.e., Ordnance Factory is having more than 300 units in All over India. The respondent comes under the Central Government Organization under the Ministry of Defence. The Unit run canteen where the applicants have worked is a part of Ordnance Factory headed by General Manager, of the respondent factory. The work extracted from the applicants is regular in nature and have more than 8 hours of working hours a day. The Unit Run Canteen is to be run by the consolidated fund of India, apart from the earnings of the Canteen. The wages will also be paid from the said fund only. It is submitted that more than 3000 employees are working with Respondent and the unit run canteen where the applicants were working have more than Rs.30 to Rs.40 lakhs turnover in a month. It is further submitted that though the initial appointment order issued to the petitioners was for 89 days, but they were continued regularly without any break till the oral termination in the month of August 2009. All the petitioners have completed more than 15 years of service without any break and remarks. Their working hours were more than 7 hours a day as has been admitted by the respondent in the correspondence and initially appointment letters were issued to them. It is to submit that in pursuance of the Apex Court judgment in favor of the Unit run canteen workers in the year 2001, the respondents have framed the Rules and Regulations governing the Unit Run Canteen Workers for extending the pay scales and for Regularization of their services on par with the regular employees. The Rules and Regulations were framed in the year 2003 which was approved by the Ministry of Defence. The said regulations were applied by the Ordnance Factory all over India to the workers working in the Unit Run Canteen of their branches. Most of the units have extended the benefits of pay scales to their workers on par with the regular employees and also have considered regularization of their services to the eligible employees. But to the surprise and shock to the petitioners, the respondent neither extended the pay scales on par with the regular employees as specified in the Regulations issued in the year 2003 nor considered for regularization of services in terms of the said regulations which are issued in compliance of the directions of the Apex Court. The petitioners have submitted several representations individually and through union requesting for extending the benefit of pay scales and for regularization of their services as was done in other unit run canteens. But the same are not considered by the respondents in spite of several reminders being given to them though they are eligible and entitled for the same. Hence, the petitioners have left with no other option have raised a dispute before the Labour commissioner. By this act of Petitioners the respondents have developed grudge against the petitioners and have illegally terminated the petitioners from service orally in the month of August, 2009 without assailing any reason and without issuing any prior notice contrary to the principles laid down by the Apex court and various other courts and in violation of Principles of natural justice. Further, when several other Unit Run Canteen of the Ordnance Factory all over India have implemented the Regulations issued in terms of the Apex Court Judgment and have extended the benefits of pay scales and Regularization of the services of the workers working in Unit Run Canteens under their control. But contrary to the same, the respondents have denied the said benefits and terminated the services of the petitioners in violation of the principles of natural justice. The action of the respondents is illegal, arbitrary and discriminatory. Hence, prayed to set aside the oral termination order, directing the Respondents to reinstate the Petitioners and regularize the services of the Petitioners on par with the regular Employees with all consequential benefits, such as arrears of salary, Pay scale and attendant benefits etc from the date of eligibility.

**3. Respondent filed counter refuting the averments of the Petitioner as under:**

It is submitted that the Ordnance Factory, Medak, which is situated 60 Kms., away from Hyderabad / Secunderabad twin cities has a small Unit Run Canteen to facilitate the needs of the employees of Ordnance Factory Medak and the allied establishments. The above Unit Run Canteen operates 06 days in a week with sale hours of four hours a day split into two hours in the afternoon and evening. In order to cater the day to day sales in the unit, workers were engaged on part-time basis for its functioning. These persons whose services were taken on part-time basis without any sort of commitment of any type what-so-ever and they were being paid on pro-rata basis for which they have agreed and rendered their services. It is submitted that the petitioners were engaged purely on part time basis without any sort of commitment of any type whatsoever and they were being paid on pro-rata basis for which they have

agreed and rendered their services. It is submitted that at no point of time, the petitioners have brought out any sort of grievance either against the Management of Unit Run Canteen or any other issues relating to their services. It is submitted that the petitioners for the reasons best known to them, stopped to come to the establishment and did not report for duty from 01.08.2009. As the petitioners did not report to duty, the respondent has closed the establishment during the period from 01.08.2009 to 17.08.2009. As the workers employees of the Ordnance Factory requested the management to take necessary action for re-opening the canteen, Management has taken necessary steps and started the activities of the Respondent-establishment i.e. Unit Run Canteen. It is submitted that, on 11.12.2008 and on 28.1.2009 Unit Run Canteen Management was surprised to receive notices from the Assistant Labour Commissioner (Central), Hyderabad, inviting for negotiations in regard to the dispute raised by the petitioners. The officials of the Respondent establishment attended and submitted the facts stating that the petitioners are not permanent employees and their services are utilized on part-time basis and there was no contractual obligation on the part of the Management. Since the divergent views are taken the matter concluded in failure. It is submitted that the Petitioners have engaged in the Respondent organization on part-time basis, for working four hours in a day with Monday as holiday and paid pro-rata basis. It is denied by the Respondent that all the applicants have worked continuously with the Respondents without any break except the artificial one without any remarks in service and but to their surprise their services were illegally and orally terminated in the month of August 2009 and the petitioners are put to strict proof of the same. It is submitted that the Respondent-establishment is being run as welfare activity for its employees. The Unit Run Canteen is operated by a Committee nominated by the General Manager and other Senior Officers of this respondent factory. Their funds are Non-government funds. The employees of this Unit Run Canteen are appointed purely on casual basis/need basis. It is submitted that the respondent organization i.e. the Ordnance Factory is having more than 300 units in all over India, the Respondent comes under the Central Government Organization under the Ministry of Defence, the Unit Run Canteen where the applicants worked is a part of Ordnance Factory. The work extracted from the applicants is in regular nature and have more than 8 hours of working hours a day, the Unit Run Canteen is to be run by the consolidated fund of India, apart from the earnings of the Canteen, the wages will also be paid from the said fund only and the Ordnance Factory the respondent herein is having more than 3000 employees working with them and the unit run canteen where the applicants are working is having more than Rs. 30 to Rs. 40 lakhs turnover in a month is incorrect. It is further denied that though the initial appointment order issued to the petitioner is for 89 days, but were continued regularly without any break till the oral termination orders were issued in the month of August 2009, all the petitioners are completed more than 15 years of service without any break and remarks, their working hours are more than 7 hours a day as been admitted by the Respondent in the corresponding letters and in the initial appointment letters issued to them, in pursuance of the Apex Court judgment in favour of the unit Run canteen workers in the year 2001, the respondents have framed the Rules and Regulations governing the Unit Run canteen Workers for extending the pay scales and for Regularization of their services on par with the regular employees, the Rules and Regulations were framed in the year 2003 which is approved by the Ministry of Defence, the said regulations were applied by the Ordnance Factory all over India to the workers working in the Unit Run Canteen of their branches, most of the Units have extended the benefits of pay scales to their workers on par with the regular employees and also have considered action of their services to the eligible employees, but to the surprise and shock to the petitioners, the respondent here in neither extended the pay scales on par with the regular employees as specified in the Regulations issued in the year 2003 nor considered for regularization of services in terms of the said regulations, which are issued in compliance of the directions of the Apex Court, the petitioner have submitted several representations individually and through union requesting for extending of the benefit of pay scales and for regularization of their services as in done in other unit run canteens, but the same are not considered by the respondents in spite of several reminders being given to them though they are fully eligible and entitled for the same, hence for the petitioners have left with no other option have raised a dispute before the Labour Commissioner, by this the respondents have developed a grudge against the petitioner and have illegally terminated the petitioners from service/orally in the month of August 2009 without assailing any reason and without issuing any prior notice to them in contrary to the principles laid down by the Apex Court and various other courts and in violations of Principles of natural justice, further when several other Unit Run Canteen of the Ordnance Factory all over India have implemented the Regulations issued in terms of the Apex Court Judgement and have extended the benefits of pay scales and Regularization of the services of the workers working in Unit Run Canteens under their control, but contrary to the same, the respondents have denied the said benefits and have terminated the services of the petitioners in violations of the principles of Natural Justice, the actions of the respondents is highly illegal, arbitrary and highly discrimination, questioning the illegal termination and denial of their Regularization of service and pay scales and the Petitioners are praying for Justice before this Hon'ble Court. It is submitted that the guidelines framed as per the orders of the Apex Court do not apply to the case of the petitioners as the same is distinguishable to the facts in the case of the petitioners. It is submitted that the Petitioners have left the services for the reason best known to them, the question of non-compliance of mandatory provisions, before termination of the services of the petitioner does not arise. It is further submitted that since the petitioners are not in service of the Respondent-establishment and also not put in 240 man-days working for 8 hours in a working day, the relief of reinstatement, regularization and other benefits on par with the regular employees as claimed by the petitioners against the Respondent-management is devoid of merit and liable to be rejected.

4. Petitioner union examined Sri K B N Mahesh as WW1 who marked photocopies of 21 documents i.e., Ex.W1 to W21 in support of their claim. Management examined Sri V. Khader Babu as MW1.

5. None present on the dates fixed. Hence, case is reserved for award.

**6. On the basis of rival pleadings of both the parties, following issues emerge for determination:-**

I. Whether the action of the Respondent Management in terminating the services of the Petitioners Sri K.B.N. Maheshwar, Shri G. Srinivas Goud, Shri G. Sudharshan Goud, Shri D. Srinivas Reddy, Smt. S. Vijaya Gouri, Shri K. Dasharath, and Shri P. Prakash is legal and justified?

II. Whether the demand of unit run canteen civil employees union for regularization of the services of Sri K.B.N. Maheshwar, Shri G. Srinivas Goud, Shri G. Sudharshan Goud, Shri D. Srinivas Reddy, Smt. S. Vijaya Gouri, Shri K. Dasharath, and Shri P. Prakash is legal and justified?

III. To what relief the Petitioners are entitled?

**7. Points No.I& II:** Petitioners claim that they have joined services in Unit Run canteen of Ordnance Factory Project, i.e., Yeddumailaram, petitioner has joined in Respondent project on 2.8.1997 and worked continuously with the respondent. The 2<sup>nd</sup> petitioner joined the service on 20.10.1998, The 3<sup>rd</sup> petitioner joined on 10.09.1997, the 4<sup>th</sup> petitioner joined on 10.01.1998, the 5<sup>th</sup> petitioner joined on 21.10.2000 and the 6<sup>th</sup> petitioner joined on 20.06.2000 respectively in the respondent's Unit run canteen and they continued to work with the Respondent without any break except the artificial one without any remarks in service. Petitioner submits that their services were illegally and orally terminated in the month of August, 2009. It is claimed on behalf of Petitioners that the work extracted from the applicants was regular in nature and have more than 8 hours of work a day. The Unit run canteen is to be run by the consolidated fund of India, apart from the earnings of the Canteen and the wages were paid from the said fund only. It is submitted that Respondent issued appointment letters to the petitioners for 89 days, but they were continued regularly without any break till the oral termination orders issued in the month of August 2009. Petitioners submit that all the Petitioners have completed more than 15 years of service without any break and remarks and their working hours were more than 7 hours a day as has been admitted by the respondent in the correspondence and in the initial appointment letters issued to them. Therefore, it is prayed to direct the Respondent to reinstate the Petitioners into service and grant them the benefit of regularization as per rules and regulations formulated under the direction and decisions of the Hon'ble Apex Court.

8. To substantiate their claims Petitioners have examined witness WW1, Sri K B N Mahesh who has corroborated the averments made in the claim statement in his examination in chief affidavit. He was cross examined by the Respondent counsel but nothing was confronted to the witness regarding the fact of their appointment in the canteen run by Ordnance Factory as temporary employees and continuance of their regular employment upto August, 2009. Further, in support of averments, Petitioners have submitted documentary evidence which includes appointment letters issued by the Respondent to the Petitioners for joining the services in the canteen. Ex.W1 to Ex.W6 are the appointment letters of six Petitioners. Ex.W1 is the appointment letter dated 30.7.1997 which was issued by the Respondent in the name of Sri K B N Mahesh. The perusal of the appointment letter Ex.W1, reveals that the Petitioner Sri K B N Mahesh was appointed for the post of Sales Assistant in the Unit Run canteen /OFPM for a period of 89 days w.e.f 4.8.97 on purely temporary basis on the terms and conditions mentioned therein. As per appointment letter, Petitioner was paid a fixed amount of Rs.800/- per month and it was also mentioned that his temporary services are liable for termination at any time during this period without assigning any reason or notice. As per Clause 6 of the appointment letter the working hours of the Petitioner were mentioned as from 12 noon to 8 pm with one hour lunch time or as decided by the Management of Unit run canteen. Therefore, as per Ex.W1 Petitioner Sri K B N Mahesh was appointed in the Unit Run canteen of Respondent Management for a period of 89 days w.e.f. 30.7.97 on payment of fixed amount of Rs.800/- pm. Similarly, Ex.W1-A, is another appointment letter of Petitioner Sri K B N Mahesh which reveals that the Petitioner was appointed as a salesman for a further period of 89 days w.e.f. 23.12.2000 on temporary basis on payment of a fixed amount of Rs.1500/- pm and the similar terms and conditions are reiterated. The other document Ex.W2 is appointment letter dated 1.1.99 which pertains to the appointment of Petitioner Sri D. Srinivas Reddy as Sales Assistant on payment of a fixed amount of Rs.1200/- ; another appointment letter dated 23.12.2000 Ex.W2-A of Sri D. Srinivas Reddy as Salesman on payment of remuneration of Rs.1400/- pm.; Ex.W3 is the appointment letter dated 29.6.1999 of Sri G. Srinivas Goud on payment of a fixed amount of Rs.1100/- and another appointment letter Ex.W3-A dated 24.9.2000 of Sri G. Srinivas Goud as Sales Assistant, on payment of a fixed amount of Rs.1300/-, Ex.W4 is appointment letter dated 14.8.98 of Sri G. Sudarshan Goud as Assistant on payment of a fixed amount of Rs.800/-, Ex.W4-A is another appointment letter dated 28.9.99 of Sri G. Sudarshan Goud, as Assistant on payment of a fixed amount of Rs.1100/-; Ex.W5 is appointment letter dt. 15.10.2000 of Sri P Prakash, as helper on payment of a fixed amount of Rs.800/- and Ex.W5-A is another appointment letter dt.23.12.2000 of Sri P. Prakash, as Helper on payment of a fixed amount of Rs.800/-; Ex.W6 is appointment letter dated 20.7.2000 of Sri K. Dasarath, as helper on payment of a fixed amount of Rs.800/- and Ex.W6-A is another appointment letter dated 23.12.2000 as helper on payment of a fixed amount of Rs.800/-.



9. Document Ex.W7 is the letter pertaining to increase of remuneration of URC staff w.e.f. April, 2006, which goes to show that the remuneration of the Petitioners was increased by General Manager. It is noticeable in this document that there is clear mention that the Petitioners who were working as a staff in the Unit Run Canteen have worked for more than 5 years and they had worked sincerely and satisfactorily. This document Ex.W7 which has been issued by the authority on 10.4.2006 that clearly establish that Petitioners No.1 to 6 had been working regularly in the unit run canteen of the Respondent Management since their appointment for more than 5 years. Further, Ex.W8 is order dated 13.8.2007 pertaining to increase of remuneration of the UC staff which goes to show that Petitioners' remuneration was again enhanced by the Respondent Management and it also contains that Petitioners has been working as staff in the URC from Tuesday to Saturday on working hours and 1200 hrs to 1700 hrs on Sunday. Thus URC staff was practically working for more than 7 hours in a day. Ex.W7 and W8 fortify the claim of the Petitioners that they have worked in the Unit Run Canteen for more than 7 hours a day and their work was of regular nature. Further Ex.W9 dated 30.4.2008 pertains to matter of increase of remuneration to URC Staff and thereby remuneration of the Petitioner's was again enhanced due to their satisfactory work. It is also mentioned in Ex.W9 that URC is running satisfactorily because of good effort of canteen staff, therefore proposed to increase the remuneration of the staff. The working hours of URC staff mentioned in the said letter has been mentioned same as in the earlier documents Ex.W1 to W8. Another document Ex.W10 dated 27.9.2006 pertains to order of grant of incentive bonus for the year 2005-06 for the unit run canteen staff subject to a minimum of Rs.2000/- each and proposed to grant Rs.3000/- each to managing committee members. Another document Ex.W11 dated 12.10.2007 is also order for incentive bonus for the year 2006-07, for the unit run canteen staff. Ex.W12 is the order dated 4.9.2008 for incentive bonus for the year of 2007-08. Further, Ex.W13 is dated 9.8.2004 a memorandum of URC employees to the Minister of State for defence Production & Supplies. Ex.W14 dated 3.9.2009 is letter of Minister of Defence, through which the memorandum of URC was acknowledged. Again Ex.W15 is a representation moved by the Petitioners to the Minister of State (Labour & Employment). Ex.W16 is a reminder regarding Ex.W15. Ex.W17 dated 8.7.2005 is a document pertains to the representation of General Secretary, Ordnance Factory Civilian Employees Union, addressed to the Respondent requesting for regularization of services of the CSD Canteen employees. Ex.W18 letter by the DG, Ordnance factories to all other ordnance factories dated 28.6.2007, Ex.W19 is the extract of rules and regulating the terms and conditions of service of civilian employees of URC paid out of non-public fund. The perusal of these documents as discussed above delineates that the Petitioners were appointed by the Respondent Management in unit run canteens as temporary employees and they continued to work in the canteen till the month of August, 2009, when their services were terminated by oral order without issuing notices or compensation. It also reveals that they have worked as a staff in Unit Run Canteen of Respondent for a period of more than eight years.

10. On the other hand, Respondent refuted the allegation of the Petitioners in counter reply and contended that the Petitioners left services for the reasons best known to them, hence, the question of non compliance of mandatory provisions before termination of the services off Petitioners does not arise. It is also contended that since the Petitioners are not in service of Respondent and also not put in 240 days work, only worked for 8 hours per day, relief of reinstatement, regularization and other benefits on par with regular employees, it is the claim of the Petitioners against the Respondent Management which is liable to be dismissed. In support of his contention Respondent Management has filed chief examination affidavit of MW1 and also filed documents, which pertains to rules and regulations and copy of decisions of Hon'ble Apex Court.

11. Now, the question arises whether Petitioners have left the service on their own volition or they were terminated by the Respondent from the service. In this regard, Respondent counsel cross examined WW1 and the witness was given the suggestions in this regard, and witness replies, "it is not true to suggest that after making application before RLC(C) we have not attended to the duties from 1.8.2009 to 17.8.2009. During the conciliation proceedings before the RLC(C) the Management has attended the proceedings on all the dates. During the period from 1.8.2009 to 17.8.2009 there were no proceedings before the RLC(C) with regard to our regularization. It is not true to suggest that during the period from 1.8.2009 to 17.8.2009 the Respondent establishment was closed as the Petitioners have not attended the establishment." The Witness further adds that, we have attended the duties but the gates of the unit were closed. As on the date of raising the dispute, seven workmen were working in the Respondent establishment including myself." The witness WW1 further states that, "the timing of the Respondent unit was 12.00 PM to 4.00 PM and 5.00 PM to 8.00PM." Further witness states, "That the Petitioners have not disputed the nature of duties, the timing of duties so as the payment of wages during their service period till they raised the dispute before RLC(C). Witness also states that they requested the Management for enhancement of the wages because of the heavy load of work. The witness has denied the suggestion of the Respondent that Petitioner have filed this case to harass the Management and they are not entitled to any relief.

12. From the above statement of the WW1 it is clear that before 1.8.2009 Petitioners were working regularly and were attending the duties as per schedule. Respondent failed to prove the contention that the Petitioners have left the service of the canteen on their own volition. It is beyond the understanding that once they move to RLC(C) for grievance, why they will abandon their job? Further, the dispute regarding the enhancement of wages of Petitioner workmen was pending before the RLC(C) and the Petitioners were contesting the matter before the RLC(C). In such



a circumstances it is unfathomable that, while they have been pursuing their grievance of the enhancement of wages how and why they have relinquished their job by absenting from their duty?

13. In view of the fore gone discussion and on the basis of the oral and documentary evidence on record it is proved that the Petitioners had worked on temporary basis in the employment of Respondent Management since their date of appointment up to their date of termination from the service i.e., August, 2009 and they have worked in the employment for more than 240 days. Therefore, the provision of Sec.25F of the I.D. Act, 1947 do apply to the case of present Petitioner. Admittedly, before their termination from service, Respondent has not given any notice or compensation as mandate under Sec.25F of the I.D. Act, 1947, therefore, their termination from the employment is in violation of the Sec.25F of the Act, which is illegal and unjustified. **In this regard Hon'ble Apex Court in the case of Hari Nandan Prasad Vs Employer I/R to management of FCI in Civil Appeal No.2417-2418 of 2014** dated 17.02.2014 held and laid down that :-

*"It would be difficult to give relief of reinstatement to the persons who were engaged as daily wagers and whose services were terminated in a distant past. And further where termination is held to be illegal only on a technical ground of not adhering to the provisions of Section 25-F of the Act. Law on this aspect, as developed over a period of time by series of judgements makes the aforesaid legal position very eloquent. Out purpose would be served by referring to a recent judgement rendered by this very Bench in the case of BSNL.Vs. Bhurumal 2013(15) SCALE 131 which has taken note of the earlier case law relevant to the issue. Following passage from the said judgement would reflect the earlier decisions of this court on the question of reinstatement:*

*"The learned counsel for the appellant referred to two judgments wherein this Court granted compensation instead of reinstatement. In the case of BSNL Vs. Man Singh (2012) 1 SCC 558, this Court has held that when the termination is set aside because of violation of Section 25-F of the Industrial Disputes Act, it is not necessary that relief of reinstatement be also given as a matter of right. In the case of Incharge Officer & Anr. vs. Shankar Shetty (2010) 9 SCC 126, it was held that those cases where the workman had worked on daily wage basis, and worked merely for a period of 240 days or 2-3 years and where the termination had taken place many years ago, the recent trend was to grant compensation in lieu of reinstatement.*

Therefore, in view of law laid down by the Hon'ble Apex Court as discussed above, although the termination of Petitioner from service by Respondent Management was done in violation of provision of sec.25F of I.D. Act, 1947 but they are not entitled for reinstatement as they were not working on sanctioned post in the Respondent Management as a regular employee. Hence, they are entitled for monetary compensation.

14. Now, as far as the question of demand of the Petitioners for regularization in the service of the Respondent is concerned, since they were appointed only on temporary basis and it is clearly mentioned in their appointment letters, Ex.W1 to Ex.W6, that their services can be terminated without any notice any time. Moreover, they were appointed temporarily for the work in the Unit run Canteen and they were not working against any sanctioned post in the Respondent Management nor they have gone through the recruitment process as per rules and regulations for recruitment on the Respondent Management. They were appointed only on the basis of their applications moved by them seeking for employment. Therefore, the claim of Petitioners for regularization in services is not maintainable, in view of the law laid down by the Hon'ble Apex Court in Umadevi Case. The decision of **Hari Nandan Prasad Vs Employer I/R to management of FCI in Civil Appeal No.2417-2418 of 2014**, is relevant in this context where the Hon'ble Apex Court have held:-

*22. It is clear from the above that the Court emphasized the underline message contained in Umadevi's case to the effect that regularization of a daily wager, which has not been appointed after undergoing the proper selection procedure etc. is impermissible as it was violative of Art.14 of the Constitution of India and this principle predicated on Art.14 would apply to the industrial tribunal as well inasmuch as there cannot be any direction to regularize the services of a workman in violation of Art.14 of the Constitution. As we would explain hereinafter, this would mean that the industrial court would not issue a direction for regularizing the service of a daily wage worker in those cases where such regularization would tantamount to infringing the provisions of Art.14 of the Constitution. But for that, it would not deter the Industrial Tribunals/ Labour Courts from issuing such direction, which the industrial adjudicators otherwise possess, having regard to the provisions of Industrial Disputes Act specifically conferring such powers. This is recognized by the Court even in the aforesaid judgment.*

*34. On harmonious reading of the two judgments discussed in detail above, we are of the opinion that when there are posts available, in the absence of any unfair labour practice the Labour Court would not give direction for regularization only because a worker has continued as daily wage worker/adhoc/temporary worker for number of years. Further, if there are no posts available, such a direction for regularization would be impermissible. In the aforesaid circumstances giving of direction to regularize such a person, only on the basis of number of years put in by such a worker as daily wager etc. may amount to backdoor entry into the service which is an anathema to Art.14 of the Constitution. Further, such a direction would not be given when the concerned worker does not meet the eligibility requirement of the post in question as per the Recruitment Rules).*

Therefore, in view of fore gone discussion and the law laid down by the Hon'ble Apex Court, it is established that in the present matter Petitioners were not appointed as regular employees nor working against any sanctioned post in the Respondent's office. However, they were not appointed through recruitment process as per rules and regulations, therefore, Petitioners are not entitled for regularization in the employment of the Respondent.

Thus, Points No.I & II are decided accordingly.

15. **Point No.III:** In view of the finding given in Point Nos. I & II, it is established that the Petitioners have been terminated from the employment of the Respondent in violation of the sec.25F of the I.D. Act, 1947 without following the mandatory provisions i.e., prior notice, compensation etc.. In view of the law laid down by the Hon'ble Apex Court in **Hari Nandan Prasad Vs Employer I/R to management of FCI in Civil Appeal No.2417-2418 of 2014** they can not be granted reinstatement into service. Since Petitioners had worked for a long period of almost 10 years and they have been terminated in violation of the provision of Sec.25F of the I.D. Act, 1947, without giving notice or compensation and the poor Petitioners even after putting in almost 10 years of their life in the services of Respondent have been left without any occupation which caused to them as well as to their families situation of starvation. Now, at this stage they might have been over aged and may not be in a position to apply for recruitment in any other job. Therefore, in view of the discussion in fore gone paragraphs, and law laid down by the Hon'ble Apex Court in the case of **Harinandan Vs. Food Corporation of India**, the Petitioners are entitled for grant of compensation in terms of three months pay (i.e., last drawn pay).

### **Result:**

Petition is partly allowed. The claim of the Petitioner for regularization in the service of Respondent Management is declined. The Petitioners are awarded monetary compensation of three months pay as last drawn. Respondent Management is directed to pay the monetary compensation of three months pay (three times of last drawn pay) within two months after receipt of this award. Reference is answered accordingly.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 10<sup>th</sup> day of October, 2023.

IRFAN QAMAR, Presiding Officer

### **Appendix of evidence**

Witnesses examined for the

Petitioner

MW1: Sri K B N Mahesh

Witnesses examined for the

Respondent

MW1: NIL

### **Documents marked for the Petitioner**

Ex.W1:	Photostat copy of appointment letter of 1 <sup>st</sup> Petitioner dt.30.7.1997
Ex.W1-A:	Photostat copy of appointment letter of 1 <sup>st</sup> Petitioner dt. 23.12.2000
Ex.W2:	Photostat copy of appointment letter of 2 <sup>nd</sup> Petitioner dt.1.1.99
Ex.W2-A:	Photostat copy of appointment letter of 2 <sup>nd</sup> Petitioner dt.23.12.2000
Ex.W3:	Photostat copy of appointment letter of 3 <sup>rd</sup> Petitioner dt.29.6.1999
Ex.W3-A:	Photostat copy of appointment letter of 3 <sup>rd</sup> Petitioner dt.24.9.2000
Ex.W4:	Photostat copy of appointment letter of 4 <sup>th</sup> Petitioner dt.4.8.98
Ex.W4-A:	Photostat copy of appointment letter of 4 <sup>th</sup> Petitioner dt.19.10.2000
Ex.W5:	Photostat copy of appointment letter of 5 <sup>th</sup> Petitioner dt.19.10.2000
Ex.W5-A:	Photostat copy of appointment letter of 5 <sup>th</sup> Petitioner dt.23.12.2000
Ex.W6:	Photostat copy of appointment letter of 6 <sup>th</sup> Petitioner dt.20.7.2000
Ex.W6-A:	Photostat copy of appointment letter of 6 <sup>th</sup> Petitioner dt.23.12.2000
Ex.W7:	Photostat copy of Ir. No.CRC/OFMK/2005-06 dt.10.4.2006
Ex.W8:	Photostat copy of Ir. No.001/URC/OFMK/2007-08 dt.13.8.2007
Ex.W9:	Photostat copy of Ir. No.001/URC/OFMK/2007-08 dt.30.4.2008
Ex.W10:	Photostat copy of Ir. No.004/URC/OFMK/06-07 dt. 27.9.2006

Ex.W11:	Photostat copy of Ir. No.001/URC/OFMK/07-08 dt.12.10.2007
Ex.W12:	Photostat copy of Ir. No.012/URC/OFMK/08 -09 dt. 4.9.2008
EX.W13:	Photostat copy of Ir. to Hoon'ble Minister by Union dt. 9.8.2004
Ex.W14:	Photostat copy of Ir. from Hon'ble Minister to the Respondent dt.3.9.2009
Ex.W15:	Photostat copy of representation of the Petitioner dt. 4.8.2009
Ex.W16:	Photostat copy of representation of Petitioners dt.22.9.2009
Ex.W17:	Photostat copy of representation from the union dt. 8.7.2005
Ex.W18:	Photostat copy of Ir. of Department dt. 28.6.2007
Ex.W19:	Photostat copy of Ir.No.960029/Q/DDGCS dt. 28.4.2003
Ex.W20:	Photostat copy of Ir. NO.1041/A/W dt. 26.5.2005
Ex.W21:	Photostat copy of extract of Rules & Regulations of service of civilian employees.

**Documents marked for the Respondent**

NIL

नई दिल्ली, 21 नवम्बर, 2023

का.आ. 1836.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सहायक. पुरातत्ववेत्ता, भारतीय पुरातत्व सर्वेक्षण, अहमदाबाद उप-सर्कल, भादरा, अहमदाबाद- (गुजरात); अधीक्षण पुरातत्वविद्, भारतीय पुरातत्व सर्वेक्षण, वडोदरा सर्कल, मांडवी, वडोदरा-(गुजरात), के प्रबंधन के संबद्ध नियोजकों और संयुक्त. सचिव, अखिल गुजरात जनरल मजदूर संघ, अहमदाबाद (गुजरात), के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- अहमदाबाद पंचाट(संदर्भ संख्या 48/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 20/11/2023 को प्राप्त हुआ था।

[सं. एल-42011/236/2018- आईआर-डीयू]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 21st November, 2023

**S.O. 1836.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 48/2019) of the **Central Government Industrial Tribunal cum Labour Court - Ahmedabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Asstt. Archaeologist, Archaeological Survey of India, Ahmedabad Sub-Circle, Bhadra, Ahmedabad-(Gujarat); The Superintending Archaeologist, Archaeological Survey of India, Vadodara Circle, Mandvi, Vadodara-(Gujarat), and The Jt. Secretary, Akhil Gujarat General Mazdoor Sangh, Ahmedabad(Gujarat),** which was received along with soft copy of the award by the Central Government on 20/11/2023.

[No. L- 42011/236/2018- IR DU]

D. K. HIMANSHU, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD**

Present....

Sunil Kumar Singh-I,  
Presiding Officer, CGIT cum Labour Court,

Ahmedabad,

Dated 03<sup>rd</sup> October, 2023.

**Reference: (CGITA) No- 48/2019**

1. The Asstt. Archaeologist,  
Archaeological Survey of India,  
Ahmedabad Sub-Circle,  
Above Bhadra Kali Mata Temple,  
Nr. Civil Court, Bhadra,  
Ahmedabad(Gujarat)-380001.
2. The Superintending Archaeologist,  
Archaeological Survey of India,  
Vadodara Circle, Puratatwa Bhavan,  
Mandvi, Vadodara(Gujarat)-390001.

.....First Party

V

The Jt. Secretary, Akhil Gujarat General Mazdoor Sangh,  
2<sup>nd</sup> Floor, Arab Chambers,  
Opp. Pattharkuva Petrol Pump, Relief Road,  
Ahmedabad(Gujarat)-380001. .

.....Second Party

Adv. for the First Party : Shri Kishan Chandel.

Adv. for the Second Party : None

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-42011/236/2018-IR(DU) dated 04.02.2019 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the demand of the union, Jt. Secretary, Akhil Gujarat General Mazdoor Sangh, Ahmedabad for reinstatement alongwith back wages of Sh. Anilkumar Raijibhai Parmar who joined as a Security Guard-cum-sweeper in 1996 and was terminated orally on 14.04.2014 by the Asst. Archaeologists, Archaeological Survey of India, Ahmedabad is legal, fair and justified? If yes, what relief, Sh. Anilkumar Raijibhai Parmar is entitled to and what other directions are necessary in this matter?”

3. Today, the matter was called out. First Party employer represented through Ld. Counsel Shri Kishan Chandel. None responded for Second Party workman/union. The reference dates back to 04.02.2019. The SP workman was represented through Shri M. H. Sanghariyat on 04.07.2022. Thereafter adjournment applications were moved by SP workman on 20.02.2023, 03.05.2023 and 04.09.2023. SP workman has neither filed any statement of claim nor moved any application for adjournment. It seems that the workman is not interested to proceed further in the matter. The claim under reference has not been substantiated by any evidence, thus dismissed for want of evidence.

4. The reference is thus answered in negative against the workman/union.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 21 नवम्बर, 2023

**का.आ. 1837.—**औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, एनटीपीसी, वीपीओ बरमाणा, बिलासपुर (हिमाचल प्रदेश); महाप्रबंधक, यूटिलिटी पावरटेक लिमिटेड, कोल्डम हाइड्रो इलेक्ट्रिक प्रोजेक्ट, बिलासपुर, हिमाचल प्रदेश; मैसर्स शर्मा लाइट हाउस, वीपीओ देहर, मंडी (हिमाचल प्रदेश); मैसर्स गौतम आर्यन बिल्टवेल प्रा. लिमिटेड वीपीओ, बिलासपुर, हिमाचल प्रदेश, के प्रबंधन के संबद्ध नियोजकों और महासचिव, कोल डैम वर्क्स यूनियन, बिलासपुर, हिमाचल प्रदेश, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ पंचाट(संदर्भ संख्या 02/2017) को जैसा कि

अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 20/11/2023 को प्राप्त हुआ था।

[सं. एल – 42011/133/2016-आईआर-(डीयू)]

डी.के.हिमांशु, अवसर सचिव

New Delhi, the 21st November, 2023

**S.O. 1837.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. 02/2017**) of the **Central Government Industrial Tribunal cum Labour Court –I, Chandigarh**, as shown in the Annexure, in the Industrial dispute between the employers in relation **The General Manager, NTPC, VPO Barmana, Bilaspur (Himachal Pradesh); The General Manager, Utility Powertech Ltd. Koldam Hydro Electric Project, Bilaspur, Himachal Pradesh; M/s Sharma Light House, VPO Dehar, Mandi (H.P.); M/s Gautam Aryan Builtwell Pvt. Ltd. VPO, Bilaspur, Himachal Pradesh, and The General Secretary, Kol Dam Workers Union, Bilaspur, Himachal Pradesh**, which was received along with soft copy of the award by the Central Government on **20/11/2023**.

[No. L- 42011/133/2016- IR (DU)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present : Sh. J.K. Tripathi,  
Presiding Officer.

**ID No.02/2017**

Registered on:-03.04.2017

General Secretary, Kol Dam Workers Union, House No.222/2, Raura Sect. Bilaspur, Himachal Pradesh.

.....Workmen-on

Versus

1. The General Manager, NTPC, VPO Barmana, Tehsil Sadar, Distt.-Bilaspur(Himachal Pradesh)-174013.
2. The General Manager, Utility Powertech Ltd. Koldam Hydro Electric Project, Jamthal Township, P.O.-Jamthal, The-Sadar, Distt.-Bilaspur, Himachal Pradesh-174036.
3. M/s Sharma Light House, VPO Dehar, Tehsil-Sunder Nagar, Mandi(HP).
4. M/s Gautam Aryan Builtwell Pvt. Ltd. VPO Bahot Kasol, The-Sadar, Distt.-Bilaspur, Himachal Pradesh.

.....Respondents/Managements

#### AWARD

**Passed On:-13.09.2023**

Central Government vide Notification No. L-42011/133/2016-IR(DU) Dated 27.03.2017, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of NTPC KOLDAM, Bilaspur and Utility Powertech Ltd. and M/s Sharma Light House, Contractor and Gautam Aryan Builtwell Private Ltd. in termination the services of fifty nine workmen of Koldam Workers Union, Bilaspur(HP) w.e.f. 16.07.2016 is legal, just and valid? If not, to what relief the concerned workmen are entitled to and from which date?”**

1. The brief facts relevant for deciding this claim petition as per claim of the workmen are that the workmen were directly appointed and employed by the respondent-company NTPC through respondent no.2-UPL(Utility Powertech Limited) which is a joint venture company of NTPC and Reliance. Later on some private contractors were brought-in and the workers who were working with the company were transferred to these workers for the purpose of allotment of work and wages. The work of the workmen were supervised, controlled and managed by respondent no.1 which is the Principle Employer. On 14.10.2015 the workmen-union served a demand notice to the respondents with regard to the violation of various provisions of labour laws in the company(Annexure P-1). On 20.04.2016 the workmen-union issued another demand notice to the respondents qua the violations of the provisions of Labour Laws(Annexure P-2). The copy of same was also forwarded to Assistant Labour Commissioner(Central) at Chandigarh as well as to the Labour Enforcement Officer(Central), Shimla, H.P. But the respondent-company neither

filed any reply to the demand notice nor complied with the directions issued by the Assistant Labour Commissioner. On 15.07.2016 a compromise/settlement was arrived at between the parties i.e. workers-union as well as the management of NTPC(Annexure P-3). The ill-designs of the respondent-company were exposed when just after one day i.e. on 16.07.2016 the respondent-company started terminating the workmen employed with it verbally without issuing any notice, charge-sheet or inquiry and opportunity of being heard as per the requirement of Section 25-F & 25-G of the Industrial Disputes Act, 1947 and the services of the workmen were dispensed with in contravention of the settled provisions of law and principles of natural justice as well as the workmen are out of job till date. The juniors and similar situated persons are still working with the respondent-management as the work is continuously available with the respondent-corporation and only the workmen have been picked up and their services have been disposed with by the management arbitrarily without giving any reason, notice and opportunity of being heard and thus, the retrenchment so inflicted is in utter violation of provisions of Industrial Disputes Act, 1947 which is binding and mandatory to be adhered to. The workmen are entitled to the one month notice pay, retrenchment compensation and ex-gratia one month wages for each working year which are required to be paid under the provisions of Industrial Disputes Act. It is therefore, prayed that the impugned verbal termination of the workmen may kindly be quashed and set aside in view of the submissions made above and the respondent-management be directed to make the payments to the workmen for the notice pay, retrenchment compensation and ex-gratia one month wages for each working year.

2. Respondent No.1-General Manager, NTPC Ltd. has filed its written statement, alleging therein that these contract workers were engaged by the respective contractors namely M/s Sharma Light House & M/s Gautam Aryan Build Well Pvt. Ltd. for work contract. Respondent No.1 had no role to play in the engagement of these contract workers since the contract was a job contract as such, there is no employee and employer relationship between these contract workers and respondent no.1 therefore, there is no question of retrenchment of these contract workers by respondent no.1. It is vehemently denied that the contract workers worked under the supervision and control of respondent no.1. The contractor being job contract was under the supervision and control of respective contractors. There is no violation of any provisions of labour laws by respondent no.1. All the provisions of labour laws are strictly complied by respondent no.1 and the same was informed to Assistant Labour Commissioner(C), Chandigarh vide letter dated 28.05.2016. It is further denied that any compromise/settlement was arrived between the Workers Union and NTPC on 15.07.2016. The agreement annexed with the claim petition by the workmen was never executed by NTPC management as such, the same is not tenable as per law. It is admitted that an agreement between State of Himachal Pradesh, Himachal Pradesh State Electricity Board and NTPC Ltd. was signed for execution of Koldam Project. The nature of work is contractual and accordingly contract has been awarded to contracting agencies to carry out various job works. There is no violation of Section 25-F of the Industrial Disputes Act by respondent no.1. It is therefore, most respectfully prayed that in view of the submissions made herein above, the present claim petition deserved to be dismissed out rightly with heavy costs in the interest of justice.

3. Respondent no.2-General Manager, Utility Powertech Ltd., Koldam has filed its written statement, alleging therein that Power Station Operation and Maintenance Agreement(PSOMA) was executed between NTPC and Utility Powertech Limited(UPL) under which certain jobs/works have been identified to be carried out by UPL through assignments. Those jobs/works are carried out by UPL through bidding process and successful bidders are given award letter to carry out those jobs/works. The workmen in question were engaged by the respective contractors namely M/s Sharma Light House & M/s Gautam Aryan Build Well Pvt. Ltd. for executing the works under a contract. Respondent no.2 had no role to play in the engagement of these contract workers since the contract was a job contract as such, no employee and employer relationship exists between these contract workers and respondent no.2. Therefore, there is no question of retrenchment of these contract workers by respondent no.2. The contract being job contract was under the supervision and control of respective contractors. There is no violation of any provisions of labour laws in the Company. All the provisions of labour laws are strictly complied by respondent no.2 and the same was informed to Assistant Labour Commissioner(C), Chandigarh vide letter dated 28.05.2016. Any compromise/settlement was never arrived between the Workers Union and UPL on 15.07.2016. The respondent no.2 was not a party to the alleged compromise/settlement dated 15.07.2016 as claimed by the workmen. These contract workers were never engaged by respondent no.2 therefore, there is no question of retrenching and reinstating these contract workers. The nature of work is contractual and accordingly contract has been awarded to contracting agencies to carry out various job works. The workmen were directly engaged by the contracting agencies for the works awarded to them. It is denied that respondent no.1 has dispensed with the services of the workmen through other respondents. The averment of the workmen with regard to verbal termination by the respondents is totally baseless and misconceived. There is no violation of Section 25-F of the Industrial Disputes Act by respondent no.2. It is therefore, most respectfully prayed that in view of the submissions made herein above, the present claim petition deserved to be dismissed out rightly with heavy costs in the interest of justice.

4. Workmen filed rejoinder to the written statement filed by respondent no.1, alleging therein that the respondent no.1 is the principle employer and has duly appointed the workers of the union and assigned the respective works. The workmen were not the labour of any contractor when were appointed by respondent-company to perform their duties respectively. the workers were scrutinized and shortlisted only after interviewing them independently and looking at their qualifications and skills that too by the management itself and only after having satisfied the management appointed the workmen and telephonically contacted the workmen to join the work and thereafter the



work was assigned to the workmen by the management of the respondent-company itself. The respondent-company has been directly assigning the work to the workmen and has been monitoring the same and issuing directions without the interference of any contractor as alleged. The workmen have been given direct appointments by the respondent-company through its management and no contractor at any point of time had direct relationship with the workers and the respondent-company being the principle employer cannot run away from its legal responsibilities. The contractors as alleged have no role to play in the employment of the workmen and they were directly appointed by the respondent-management. The compromise/settlement which is now being denied by the respondent has been entered into in the presence of the representative of the respondent-management namely Mr. Praveen Bharti as well as the Deputy Superintendent of Police and SDM. The respondent-company was established on the land which was acquired by the State for the purpose of establishment of the respondent-company and these lands belong to the families of the workmen who are land losers. The land losers left their lands for the purpose of the respondent-company after being assured that the family members would be given employment by the respondent-company and now the respondent-company has even denied to owe the workers of its company which is sheer betrayal of trust and also violating the terms and conditions of the MOU signed by the company with that of the State of HP. The workmen were directly recruited, scrutinized and interviewed by the respondent-management and later the work was assigned, controlled, supervised and monitored by the management of the respondent-company itself and in this the private contractors have no role to play. It is therefore, most respectfully prayed that the reply filed by the respondent-company being illegal and based on wrong facts may kindly be rejected and the relief as claimed in the claim petition may kindly be allowed in the interest of justice and fair play.

5. Workmen filed rejoinder to the written statement filed by respondent no.2, alleging therein that the respondent no.2 employed the workers directly for the principle employer/respondent no.1 and the respondent no.1 and 2 have duly appointed the workers and assigned the respective works. The workmen were not the labour of any contractor when were appointed by respondent no.1 and 2 to perform their duties respectively. the workers were scrutinized and shortlisted only after interviewing them independently and looking at their qualifications and skills that too by the management itself and only after having satisfied the management appointed the workmen and telephonically contacted the workmen to join the work and thereafter the work was assigned to the workmen by the respondent-management. The contractors as alleged have no role to play in the employment of the workmen and they were directly appointed by the respondent-management. The remaining paras alleged in the rejoinder are same as alleged in the claim petition hence need not to be repeated again.

6. During the pendency of the proceedings before this Tribunal on 13.09.2023, the case was fixed for appearance of workmen and for filing evidence by way of affidavit but none is turning up on behalf of workmen. Learned AR of the management has submitted that the workman is not turning up for filing evidence by way of affidavit since long and several opportunities have already been granted to the workmen but none turned up in spite of several opportunities afforded. This shows that the workmen are not interested in adjudication of the case on merit.

7. Since the workmen have neither put their appearance for long nor they have filed any evidence by way of affidavit to prove their cause against the respondents/managements. As such, this Tribunal is left with no alternative except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference. File after completion be consigned in the record room.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J.K. TRIPATHI, Presiding Officer

नई दिल्ली, 21 नवम्बर, 2023

**का.आ 1838.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (70/2015) प्रकाशित करती है।

[सं. एल 12012/48/2015-आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 21st November, 2023

**S.O. 1838.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 70/2015) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen.

[No. L-12012/48/2015-IR(B-II)]

SALONI, Dy. Director

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA****Present: Justice K. D. Bhutia, Presiding Officer.****REF. No.70 OF 2015****Parties:** Employers in relation to the management of**Bank of India****AND****Their Workmen**

Appearance :

On behalf of Management, **Bank of India**

: Mr. R.N. Majumder,

Advocate

On behalf of the Workman

: Mr. A. Chakraborty

Advocate and

workman in person

**Dated 30<sup>th</sup> August, 2023****AWARD**

Both sides are present through their respective counsels. The workman is also found present in person.

Today has been fixed for evidence of workman, but he file a petition supported by an affidavit stating that he wants to withdraw the present case which was espoused by him with a liberty to pursue with the appropriate authority to claim his statutory dues to which he is otherwise legally entitled to .

Ld. Counsel for the Bank raise no objection on such prayer made by the workman.

Record shows, the Govt. of India, Ministry of Labour by order No. L-12012/48/2015-IR(B-II) dated 14.09.2015 has referred the following issue for settlement or adjudication by the Tribunal:-

“Whether the action of the management of Bank of India is justified by terminating the service of Sri Goutam Panchal is legal / justified? If not, what relief the workman is entitled to?”

Ld. Counsel for the workman submits the workman no more wants to pursue with the above dispute. That he accepts his termination from the service by the Management of the Bank, but liberty should be given to the workman to claim all the statutory dues to which he is entitled as a retrenched employee of the Bank.

Since the concerned workman does not want to challenge this order of his termination from service and as such there remains nothing to adjudicate by this Tribunal.

Accordingly, the petition filed by workman today is allowed. No dispute award is passed but liberty is given to the workman to claim his statutory dues to which he is entitled as a retrenched/terminated employee. Reference No. 70 of 2015 is disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 21 नवम्बर, 2023

**का.आ. 1839.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार आन्ध्रा बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (52/2014) प्रकाशित करती है।

[सं. एल 12011/26/2014-आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 21st November, 2023

**S.O. 1839.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 52/2014) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Andhra Bank and their workmen.

[No L-12011/26/2014- IR(B-II)]

SALONI, Dy. Director



**ANNEXURE**  
**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA**  
**Present: Justice K. D. Bhutia, Presiding Officer.**

**REF. NO. 52 OF 2014**

**Parties:** Employers in relation to the management of

**Andhra Bank, Zonal Office**

**AND**

**Their Workmen**

Appearance :

On behalf of Management, **Andhra Bank** : Absent

On behalf of the Workmen / **Union** : Absent

**Dated 30<sup>th</sup> August, 2023**

**AWARD**

Both sides are found absent today too.

Record shows the case has been fixed for further cross-examination of W.W. No. 1, but his evidence on record shows his evidence was concluded on 21.02.2019. Be that as it may, now it appears the case ought to have been fixed for further evidence from the side of workmen / Union or for evidence from the side of the Management.

None pursuance of the matter by both side since 22.04.2020 shows that both side are no more interested to pursue with the dispute. Therefore, evidence from both sides are assumed to be concluded.

The Govt. of India, Ministry of Labour by order No. L-12011/26/2014-IR(B-II) dated 19.06.2014 has referred the following dispute to the Tribunal for adjudication:-

“(1) Whether the action of the management of Andhra Bank by not allowing seniormost employee Shri Mihir Kumar Dey due to non-implementation of CGIT Order dated 02.11.1993 is legal or justified? What relief the workmen is entitled to? (2) Whether the action of the management of Andhra Bank by not giving suitable opportunity to Shri Mihir Kumar Dey to be designated for the post of Clearing House Representative as stipulated in para 37 of the Hon’ble CGIT order dated 02.11.1993 for which he has suffered financial losses is legal and/ or justified? What relief the workman is entitled to?”

The fact giving rise to such dispute in gist are that the concerned workman being a senior clerk was deputed to R.B.I. to work in the Clearing House of Andhra Bank and for which he was paid special allowance, but Bank in violation of Award dated 02.11.21993 passed by the Tribunal in Ref. case No. 10/1990 adopted a new policy of recruitment of clearing representative causing financial loss to the concerned workman and issued a vacancy notification barring those already served as clearing cleric earlier. Hence the Reference.

The Management in its W/S has alleged concerned workman was already superannuated from service on 30.09.2014. At the time of passing of Award in Ref. case No. 10/1990 on 02.11.1993 CTS clearing was not introduced. After introduction of C.T.S. through Andhra Bank Chennai Grid, the R.B.I. does not hold clearing. The disputed circular issued on 08.02.2013 for posting of clearing House Representative was in accordance with the Award dated 02.11.1993. Posting was given to the Senior Clerk on rotational basis. The concerned workman never applied for post and he having already worked as Clearing House Representative is not eligible for redeployment on deputation for the same post in view of the Award dated 02.11.1993. Thus, it has prayed for dismissal of the Reference.

Perused the Award dated 02.11.1993 (Ext W-2) and from where it appears other senior clerk had raised the said dispute through there Union challenging the continuous posting of Mihir Kr. Dey, the workman concerned as Cleaning House Representative at R.B.I. and depriving other eligible candidates for the deputation post attached with special allowance.

Hon’ble Tribunal was pleased to hold that post of Clearing House Representative at R.B.I. cannot be allowed to be held by one employee for eternity. The appointment should be made amongst the willing and eligible senior most clerk irrespective of their six for a period of one year and on rotational basis. The appointment of Mr. De, the workman concerned is not proper and had given direction to the Bank for removal of Mr. De, the workman concerned

on appointment of clearing house representative or within two months of publication of the award. No allowance should be paid to all eligible clerks but only to the one who is and will be appointed / selected for the post on deputation to R.B.I. as Clearing House Representative.

The verdict given in the above award itself make the claim made by Shri Mihir Kr. Dey in the present reference to illegal. In fact this tribunal finds Mr. De being a Union leader and an injured tiger to satisfy his injured ego has espoused the present dispute as by the Award dated 02.11.1993 passed in Reference case No. 10/1990. Bank was directed to remove him from the post of House Clearing Representative of the Bank in R.B.I. and he was not allowed to hold the post for eternity and other senior most clerk who are willing and eligible be posted on rotational basis and for a period of one year. Ext 3 appears to be the disputed circular and which contains all the conditions as mentioned in the Award dated 02.11.1993. So the same being in conformity with the Award dated 02.11.1993, the Tribunal does not find the same be illegal or in violation of Award dated 02.11.1993 as alleged by the workman Mr. Dey.

It is very interesting to note that Mr. Dey during his cross examination under oath has admitted that though he has alleged the Bank did not deploy senior most clerk on rotational basis to R.B.I. as Clearing House Representative, but at the same time he has stated he cannot say the names of the Staff who have been deprived the posting on rotational basis and admitted he did not complaint about the same before the Authorities Concerned of the Bank. He has also admitted that he did not allege that Bank violated Para 39 of the Award.

Therefore, having regards to the evidence of the concerned workman Mihir Kr. Dey and the relevant documentary evidence discussed above, the Tribunal hold the workman Mihir Kr. Dey has raised a false and frivolous dispute against the Management of the Bank.

Therefore, the Reference case No. 52/2014 is dismissed an award to that effect is passed.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 21 नवम्बर, 2023

**का.आ. 1840.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (12/2021) प्रकाशित करती है।

[सं. एल 12011/27/2021-आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 21st November, 2023

**S.O. 1840.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 12/2021) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen.

[No L-12011/27/2021- IR(B-II)]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

**Present:** Justice K. D. Bhutia, Presiding Officer.

#### REF. No. 12 OF 2021

**Parties:** Employers in relation to the management of

Punjab National Bank

AND

Their Workmen

Appearance :

On behalf of Management, Punjab National Bank : Mr. S. M.

Obaidullah, Advocate

On behalf of the Workmen / Union : None

Dated 4<sup>th</sup> September, 2023

**AWARD**

The Bank is present through its Ld. Counsel. The Union which has espoused the dispute is found absent. Notice sent to it in the address given in the order of reference through speed post has returned unserved with postal endorsement "the addressee is not found in the given address".

It is undisputed fact the Central Govt., Ministry of Labour refers a dispute on receiving a report of conciliation failure from the concerned Labour Commissioner before whom the concerned Union has raised the dispute.

Therefore, the Union which has raised the dispute is presumed to be aware of the present reference case moment the conciliation, fails and refer the dispute to the Ministry of Labour by the concerned Labour Commissioner.

The order of reference further shows the copy of same was forwarded to the concerned Union which has espoused the dispute.

In view of above and presumption can be drawn that Union is well aware of the present reference. None appears of Union and presumption can be drawn that it is no more interested to pursue the dispute raised by it.

However, the Govt. of India, Ministry of Labour by order No. L-12011/27/2021-IR(B-II) dated 07.09.2021 has referred the following dispute to this Tribunal for adjudication.

"Whether the action of the Management of United Bank of India, Kolkata (Now merged with Punjab National Bank) in abeyance on appointment of Sri Raju Nayak, as a part Time Sweeper (1/3<sup>rd</sup>) at Narayanpur Branch is justified? If not, what relief the concerned workman is entitled to?"

Since there is nothing in the record to adjudicate the above issue and as such No Dispute Award is passed.

Accordingly, Reference No. 12/2021 is disposed of.

Justice K.D. BHUTIA, Presiding Officer

नई दिल्ली, 21 नवम्बर, 2023

**का.आ. 1841.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार युको बैंक के प्रबंधन, संबद्ध नियोजक और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (04/2001) प्रकाशित करती है।

[स. एल-12012/146/2000-आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 21st November, 2023

**S.O. 1841.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 04/2001) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of UCO Bank and their workmen.

[No L-12012/146/2000- IR(B-II)]

SALONI, Dy. Director

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA**

**Present: Justice K. D. Bhutia, Presiding Officer.**

**REF. No. 04 OF 2001**

**Parties:** Employers in relation to the management of

**UCO Bank**

**AND**

**Their Workmen**

Appearance :

On behalf of Management, **UCO Bank**

: Absent

On behalf of the Workmen **Sri Chittaranjan Ghosh** : Absent

**Dated 4<sup>th</sup> September, 2023**

**AWARD**

The workman Shri Chittaranjan Ghosh, who has espoused the dispute against the UCO Bank and the management of UCO Bank are found absent when the matter is called.

Record shows both sides have stopped appearing and taking necessary step for further hearing of the case since 13.11.2019 and both have failed to appear despite having received fresh notice of appearance sent by the present P.O.

Therefore, a presumption can be drawn the parties are no more interested to pursue with the dispute “Whether the action of the management of UCO Bank in dismissing Shri Chittaranjan Ghosh from service w. e. f. 08.10.1998 is legal and justified? If not, what relief is Shri Ghosh entitled to?”. Such dispute has been referred by the Ministry of Labour by order No. L-12012/146/2000/IR(B-II) dated 06.02.2001.

Record shows both sides have filed their respective pleadings in support of their respective cases. Unfortunately, both sides by adducing oral evidence have failed to prove the contents of their pleadings and cases.

From the pleadings of the parties it appears the concerned workman was a clerk of the Bank. While he was posted at Diamond Harbour Branch, he had indulged in misconduct by forgoing signature altering entries in the Bank Records and had fraudulently withdrawn Rs.40,000/- and there by he was placed under suspense on 20.02.1992 and he was charge sheeted 24.09.1992. However, he had confessed to the crime on 14.10.1992 and sought mercy from Divisional Manager. He was pardoned for such guilt by transferring him from Diamond Harbour to Shibaniapur Branch with holding two increments with cumulative effects and by making an entry in his service book not to entrust him with supervisory duties in future and there by revoked his suspension order dated 20.02.1992.

Unfortunately Bank received complaint from a customer S. Halder for fraud of more than Rs.5,00,000/- (five lakh) against the concerned workman. On such complaint he was charge Sheet on 02.07.1994 and domestic enquiry was initiated against him. In which he fully participated but he was refused to take help of a lawyer. He was found guilty to the charge and dismissed him from the service.

He challenged his dismissal order before the Hon’ble High Court in W.P. No. 29668 (W) of 1997 and which was dismissed on 02.03.1998, but workman has contracted in the claim statement that no fair enquiry was conducted. That he is a victim of management here the reference.

Unfortunately there is no oral evidence to substantiate the claim of the workman there he was wrongly charge sheeted. The contents of charge is false. That no Principal of natural justice is not followed during domestic enquiry. That he was nor given opportunity to cross examine the management witnesses or that he was nor supplied with the copy of documents on which management has placed reliance or that domestic enquiry held against him is no fair, just or that he has been victimized by the management.

In view of the above the no dispute award is passed. Accordingly, Reference case no. 04/2001 is disposed of

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 21 नवम्बर, 2023

**का.आ. 1842.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरी कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 41/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/11/2023 को प्राप्त हुआ था।

[सं.एल-22012/80/2016-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 21st November, 2023

**S.O. 1842.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 41/2016**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Colliery Company Ltd.** and their workmen, received by the Central Government on **07/11/2023**.

[No. L-22012/80/2016 – IR (CM-II)]

MANIKANDAN N., Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 21<sup>st</sup> day of September, 2023

**INDUSTRIAL DISPUTE No. 41/2016**

Between:

Sri Salluri Kistaiah,

S/o Late K. Posham,

R/o H.No. 5-51/2, Rasoolpally,

Jaipur(M),

Adilabad Dist. (Telengana)

Telengana – 504216.

.....Petitioner

AND

The General Manager,

M/s. Singareni Collieries Company Ltd.,

Sreerampur Area, Sreerampur

Adilabad (Telengana) 504 303.

... Respondent

Appearances:

For the Petitioner : Sri A. Chandra Sekhar, Advocate

For the Respondent: Sri Y. Ranjeeth Reddy, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No.L-22012/ 80/2016-IR(CM-II) dated 19.10.2016 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

**SCHEDULE**

“Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Srirampur Area, Adilabad Dist in terminating the services of Shri Salluri Kistaiah, Ex-CC RK-5 Incline, SCCL, Srirampur Area, with effect from 16.5.2005 is justified or not? If not, to what relief the applicant is entitled for ?”

The reference is numbered in this Tribunal as I.D. No. 41/2016 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. Petitioner absent on the date fixed for Petitioner evidence. Respondent present. Record reveals that case is posted for filing of Petitioner evidence since July, 2023 but Petitioner is absenting since March, 2019. No evidence is adduced in support of contentions raised in the claim statement. Due to absence of evidence and non-persuasion of case by Petitioner, it seems that Petitioner is not interested to pursue his case. Hence, a ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 21<sup>st</sup> day of September, 2023.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

Witnesses examined for the

Petitioner

NIL

Witnesses examined for the

Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 21 नवम्बर, 2023

**का.आ. 1843.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरी कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद** के पंचाट (पहचान संख्या 75/2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/11/2023 को प्राप्त हुआ था।

[सं. एल-22012/86/2022-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 21st November, 2023

**S.O. 1843.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 75/2022**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Colliery Company Ltd.** and their workmen, received by the Central Government on **07/11/2023**.

[ No. L-22012/86/2022 – IR (CM-II)]

MANIKANDAN. N., Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 20<sup>th</sup> day of September, 2023**INDUSTRIAL DISPUTE No. 75/2022**

Between:

The Singareni Collieries Workers

Union (AITUC), Bellampalli,

Mancherial District,

Mancherial – 504208.

.....Petitioner

AND

The General Manager,

M/s. Singareni Collieries Company Ltd.,

Sreerampur Area, Sreerampur

Adilabad (Telengana) 504 303.

... Respondent

## Appearances:

For the Petitioner : None

For the Respondent: Sri Y. Ranjeeth Reddy, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No.L-22012/ 86/2022-IR(CM-II) dated 30.9.2022 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

**SCHEDULE**

“Whether the action of the Management of M/s. Singareni Collieries Company Ltd., Mandamarri Area, for non-considering for promotion of Sri V. Rajender as Fan Operator from Hauler Operator is fair, legal and justified? If not, to what the relief the workman concerned is entitled?”

The reference is numbered in this Tribunal as I.D. No. 75/2022 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Respondent present. Record reveals that notice served on Petitioner but none present on behalf of Petitioner. In absence of Petitioner and claim statement, the case is dismissed and a ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 20<sup>th</sup> day of September, 2023.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 21 नवम्बर, 2023

**का.आ. 1844.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरी कंपनी लिमिटेड के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 241/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/11/2023 को प्राप्त हुआ था।

[सं. एल-22012/69/2014-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 21st November, 2023

**S.O. 1844.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 241/2014**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Colliery Company Ltd.** and their workmen, received by the Central Government on **07/11/2023**.

[No. L-22012/69/2014 – IR (CM-II)]

MANIKANDAN. N., Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**

Present: **Sri IRFAN QAMAR**  
Presiding Officer

Dated the 4<sup>th</sup> day of October, 2023

**INDUSTRIAL DISPUTE No. 241/2014**

Between:

The President,  
(Sri Bandari Satyanarayana)  
Rashtriya Collieries Mazdoor Sangh (RCMS),  
Rajkumar Complex, Saibaba Temple Road,  
Jaffar nagar, Mancherial – 504208.  
Adilabad Distt. (A.P.)  
AND

..... Petitioner

The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Mandamarri Area, Mandamarri – 504 231.  
Adilabad District.(A.P.)

.... Respondent

Appearances:

For the Petitioner : Sri Bhagwanth Rao, Advocate  
For the Respondent: Sri Y. Ranjeeth Reddy, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No. L-22012/ 69/2014-IR(CM-II) dated 25.11.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

**SCHEDULE**

“Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Distt. in terminating the services of Sri Konda Saraiah, Ex-Coal Filler, MK-4 Inc., Mandamarri Area with effect from 17.1.2001 is justified or not? If not, to what relief the applicant is entitled for?”

The reference is numbered in this Tribunal as I.D. No. 241/2014 and notices were issued to the parties concerned.

2. **The averments made in the claim statement are as follows:**

It is submitted that the Petitioner was appointed as an employee on 14.1.1986, and he became permanent Employee during the course of service in the Company. The Service conditions of the Petitioner are governed by various standing orders of Company. It is submitted that the Petitioner could not attend to his duties during the year 2000 due to his ill health, then Respondent issued a show cause notice dated 15.1.2000 and the Petitioner submitted a reply on 25.1.2000 which was not considered by the Respondent Company and he was dismissed from Service through proceedings No. P/RKP/16/01/204, dated 15.1.2001. It is submitted that the Petitioner preferred an appeal to the Higher authorities which went in vein, and authority concerned mechanically upheld the orders of Chief General Manager, Mandamarri Division. It is further submitted that the Petitioner was put in 3 years of service without any red remark and the Petitioner has got still 20 years of service for superannuation. Further, it is submitted that removing from services of the Respondent, person who rendered more than 2 years of qualified service is arbitrary, illegal and against to the principles of natural justice and also against to the Provisions of the Standing Orders of the Company. It is submitted that the Petitioner was given employment for the post as Coal Filler. So giving employment to the Petitioner is subject to availability of vacancy of work. Whenever Petitioner used to go for job



there is no work but there appears to be a contributory negligence. It is submitted that Respondent company one way given employment and other way dismissed from service. The intention of the company is crystal clear i.e., to remove the masses i.e excessive labour. Further, it is submitted that the company adopted unfair labour practice and victimization. The Petitioner could not opt Rs.3,00,000/- as compensation in lieu of employment, but opted employment. Now the Petitioner has got re-option to claim compensation of Rs. 5,00,000/- in lieu of dependent employment through Settlement 20.11.2009 if the employment is not provided. It is submitted that the action of the Respondent amounts to "Hire and Fire" which has no force in the Industrial Jurisprudence. It is submitted that the "Award And Settlements" both are decrees in terms of Industrial disputes Act. Further, it is submitted that there was settlement before the Regional Labour Commissioner at Hyderabad, that those who were removed from 1.1.2000 to 30.12.2010, those cases can be considered by the Management as per the Circular P.40/5911/IR/33, dated 10.3.2000 and the Petitioner was called for interview, but the case of the petitioner was not considered for re-employment as per the settlement. If the petitioner was given employment he would have been put in more than additional 20 years of service. Therefore, non-consideration of settlement by the company is very bad and against the law. That the Respondent did not conduct enquiry properly and no documents were given to the Petitioner and no subsisting allowance was paid to him. The Respondent obtained thumb impressions on enquiry report and conducted enquiry and Petitioner do not know the English language and enquiry conducted by the Respondent without mentioning contents therein is arbitrary, illegal and against to the Principles of natural Justice. That the Petitioner prays the Hon'ble Court to decide the validity of Domestic enquiry as Preliminary issue. It is submitted that after removal from the service by the Respondent to the Petitioner the Petitioner and children of Petitioner are fallen on roads with untold sufferings. The relationship between the Petitioner and Respondent is still continuing and the Petitioner not yet reached the age of superannuation. Hence, prayed to direct the Respondent to reinstate the Petitioner into Service with continuity and other attendant benefits and with full back wages, by setting aside dismissal order passed by Respondent.

3. **Respondent filed counter denying the averments of the Petitioner as under:**

It is submitted that the RCMS Union who raised the dispute before the conciliation officer, has not filed any Claim Statement before this Hon'ble Tribunal and as such Sri Konda Saraiah who filed the Claim Statement is not maintainable and considering that the petitioner-union has no case to represent before this Hon'ble Tribunal. It is submitted that the petitioner was dismissed from the services of the Company on proved charge of absenteeism vide letter No. P.RKP/16/01/204, dated 15.1.2001 w.e.f. 17.1.2001. It is submitted that there is an abnormal delay of about 12 years in raising the dispute by the Petitioner and therefore the petition is liable to be dismissed on the ground of delay and laches. It is prayed that this Hon'ble Tribunal may be pleased to decide the delay in raising the dispute as a preliminary issue. It is submitted that the delinquent workman was dismissed on proved charges after conducting a detailed domestic enquiry duly following the principles of natural justice. That the validity of domestic enquiry be decided as a preliminary issue. In this regard, it is submitted that this Court permit the respondent to produce the evidence in case it is held that domestic enquiry is not valid. It is submitted that the Petitioner, Sri Konda Saraiah, S/o Ramulu as mentioned in his Claim Petition filed before this Hon'ble Tribunal, Employee Code 2035475, Coal Filler, MK.4 Incline, Mandamarri Area of the Respondent Company, was initially appointed in the Company on 11.2.1986 and later regularized as Coal Filler. While he was working at MK.4 Incline, Mandamarri Area, he had put in just 62 musters during the calendar year 1998 and remained absent to duties unauthorizedly on all other days in the year, which constituted misconduct under Company's Standing Orders No.25.25. Hence, he was issued with a charge sheet bearing No. MK4/99/4/043, dated 24.2.1999/ 6.3.1999 under company's Standing Orders No. 25.25 for the misconduct committed by him which reads as follows:

"25.25: Habitual late attendance or habitual absence from duty without sufficient cause."

It is submitted that the petitioner received the charge sheet, and submitted his written explanation to the charge sheet issued to him dated 13.3.1999 wherein he submitted that due to his ill health he had put in 62 musters only during the year 1998, henceforth he will be regular to duties, requested to excuse his mistake. His explanation was found to be not satisfactory, hence an enquiry was ordered. An enquiry notice No.MK4/99/4/043, dated 13.3.1999 was issued advising him to attend enquiry on 20.3.1999. It is submitted that Petitioner fully participated in the enquiry and he was given full and fair opportunity to defend his case. Petitioner attended and fully participated in the enquiry and he was given full and fair opportunity to defend his case. Before commencing the enquiry proceedings, the Enquiry Officer had explained the enquiry procedure. The petitioner having understood the procedure and at his free will took part in the enquiry proceedings. The Enquiry Officer started the enquiry proceedings only when the charge sheeted employee expressed his readiness to take part in the proceedings. Further, the Enquiry Officer had offered the opportunity of availing the services of defence assistant but the petitioner did not avail the same. The Presenting Officer and the management witnesses deposed their evidence in the presence of the petitioner, which was duly recorded by the Enquiry Officer and explained to the charge sheeted workman in Telugu. Further, the documentary evidence was produced by the management in the presence of the petitioner, to substantiate the charge leveled against the petitioner in the enquiry and explained in Telugu by the Enquiry Officer. The petitioner did not cross-examine the management witnesses when the opportunity was afforded to him and voluntarily pleaded guilty of charge leveled against him. In his deposition during the course of enquiry, the petitioner submitted that he remained absent on the

dates mentioned in the charge sheet and that the same is mistake on his part. He accepted his mistake and pleaded guilty of the charge leveled on his own. He stated that he remained absent due to ill-health. He further submitted that he did not obtain prior sanction of any leave or sick for the said period and that he got no medical treatment slips or reports to substantiate his claim and accepted that remaining absent from duty is mistake on his part and assured to be more careful and will not remain absent unauthorizedly. In spite of giving opportunity, he failed to establish the cause cited by him for his unauthorized absence from duty and failed to produce valid and relevant evidence. On the other side from Management side the witness produced Attendance Registers, Paid pay sheets for 12 months period records established the charge levelled. The Enquiry Officer on the basis of evidence adduced in the enquiry and after appreciating all the recorded evidence, submitted his report in which it was held that petitioner is guilty of the charge leveled against him under Company's Standing Order No.25.25. It is submitted that the petitioner was supplied copy of Enquiry proceedings, Copy of the report and letter advised to submit his representation, if any, against the findings of the enquiry officer within seven days of receipt of the letter. The petitioner acknowledged receipt of the letter dated 28.4.1999 along with its enclosures but made no representation against the findings of the Enquiry Officer. It is submitted that the Disciplinary Authority after going through the entire enquiry proceedings, explanation dated 13.3.1999 of the petitioner and after evaluating all the evidence on record concurred with the findings of the enquiry officer. Since the charge framed and proved in the enquiry was grave and serious in nature warranting punishment of dismissal and after considering his attendance over 5 calendar years viz., 1996- 104 musters; 1997- 117 musters; 1998- 062 musters; 1999-114 musters and 2000- 127 musters, and after finding that there was no improvement in his attendance and as there was no extenuating circumstances to take a lenient view, imposed the penalty of dismissal with effect from 17.1.2001 vide letter No. P/RKP/16/01/204, dated 15.1.2001. It is further submitted that the petitioner was a chronic and habitual absentee and did not put in at least 190 attendances as expected from an underground workman in any of the calendar years from 1996 to 2000. Even though he was given opportunity to correct himself by being regular to duties, he failed to do so. His average attendance over 5 calendar is far below the bench mark of 190 musters. Further, he remained absent from duty without sanctioned leave, sick or sufficient cause and did not bother to communicate to the unit authorities about his inability to attend to duties. Further, the petitioner assured that he would be regular to his duties. However, the petitioner did not keep up his promise to improve his attendance. He did not at least inform or communicate the reasons of his absence to the mine authorities at any point of time, which clearly establish the fact that he was not interested in his job. The Respondent Company has been operating Dispensaries, Area Hospitals and Main Hospital to extend medical facilities/aid to its employees, their dependant family members. The petitioner, if really was suffering from health problems, he ought to have reported sick in Colliery Hospital; he ought to have requested for sanction of leave to his credit or for sanction of loss of pay leave, but without availing these channels, he chose to remain absent from duties unauthorizedly and attributing his absence to road accident without substantiating the same. Therefore, the management was compelled to dismiss the petitioner, from the service of the Company with effect from 17.1.2001 on proved charge. The contention of the petitioner that since he got another 20 years of service for superannuation, removing the service of the petitioner with more than 2 years of qualified service is arbitrary, illegal and against Principles of Natural Justice and also against the provisions of Standing Orders of the Company is totally incorrect and meritless. If he had left over service of 20 years, the petitioner had to be very careful and discharge his responsibilities and duties with commitment. Length of service already rendered and the period of service left over are not criteria for initiating disciplinary action and imposing penalty. Depending upon the seriousness of the misconduct committed and the gravity of the misconduct established, penalty will be imposed. The action of respondent in dismissing the petitioner is neither arbitrary, illegal nor against the Principles of Natural Justice and also not against the provisions of Standing Orders as claimed by the petitioner. The petitioner is not bringing out the facts of his status as an employee in the company and also the procedure adopted by the Respondent Company in providing him job. The petitioner at one end claims that he was a regular employee and on the other hand submits that he was not provided employment on regular basis but was shown employment subject to availability of vacancies. Both do not go parallel, as both the averments are contradictory. In fact the petitioner was never returned after booking his IN muster (attendance) as no such practice is there in Respondent company to return the employees who report for duty and book their attendance. Respondent already introduced Voluntary Retirement Scheme (Golden Handshake); Special Female Voluntary Retirement Scheme; Voluntary Retirement Scheme (Low Productive Employees) but never used the disciplinary action of dismissal to eliminate surplus manpower. The Respondent company never indulged in unfair labour practice and victimization as alleged by the petitioner. It is submitted that respondent company had entered into a Memorandum of Settlement to provide an opportunity to the employees dismissed on the ground of absenteeism for appointment as Badli Fillers afresh. In the Memorandum of Settlement dated 09.08.2011 arrived at with the then recognized Union SCWU AITUC it was agreed to review the cases of employees dismissed on account of absenteeism during the period from 01.01.2000 to 31.12.2010 and the conditions are that (1) the dismissed employee should be below 55 years as on the date of MoS i.e. as on 09.08.2011; (2) the dismissed employee should have put in 190 musters if an underground employee and 240 musters if surface employee, in any two calendar years out of the 5 years prior to the year of dismissal (or) should have put in 150 musters (underground employee), 200 musters (surface employee) every year in the previous four years of dismissal year and (3) these dismissed employees will be interviewed by High Power Committee and on the basis of High Power Committee's recommendations subject to medical fitness the candidate will be given appointment as Badli Filler underground. The petitioner was issued call letter for attending an Interview

on 24.04.2012 at Head Office, Kothagudem of the Respondent Company in line with the terms of MoS dated 09.08.2011. However, in the present case, the petitioner is not satisfying the stipulations and hence his case was not considered for appointment afresh as Badli Filler. Without qualifying himself for reappointment the petitioner cannot claim that if he were considered for reemployment as per Settlement he would have put in 20 years of service is not tenable. After lapse of time, Petitioner claiming that the enquiry proceedings were not conducted properly, the petitioner could have registered his objections, protest and not affixed his signature/thumb impression on the enquiry proceedings at the time of participating in the enquiry or when he was supplied the copy of enquiry proceedings and report. Without doing so all these years, now after a lapse of 12 years the petitioner is claiming that enquiry was not conducted properly which is an afterthought and hence the same is denied. The enquiry officer/respondent company did not obtain the thumb impressions of the petitioner on the enquiry proceedings. The Enquiry Officer recorded the proceedings in English but the entire proceedings were held in Telugu and in presence of the petitioner. Further the Enquiry Officer had explained the recorded proceedings in Telugu to the petitioner and the petitioner after satisfying that the same were recorded correctly then only affixed his signatures on the proceedings without any protest or objections. Hence the allegation of the petitioner that the respondent obtained thumb impressions on enquiry report and that the enquiry was conducted by the Respondents without mentioning the contents there and hence the same is arbitrary, illegal and against principles of natural justice is totally incorrect. As regards the contention that the enquiry was conducted by the Respondent without mentioning the contents there in, it is to submit that the Enquiry Officer conducted the proceedings in presence of the petitioner and also explained the enquiry procedure and started the proceedings only when the petitioner was ready to take part in the proceedings. Further, the Enquiry Officer at every stage, explained the recorded proceedings, in Telugu to the petitioner and the petitioner also without any objection and protest and without raising any doubts affixed his signatures on the proceedings since he was satisfied that the proceedings were correctly recorded in his presence. It is submitted that the Petitioner should have been more careful and conscious of his responsibilities, towards his family members and towards his job. He failed to realize his mistake in spite of giving opportunities and paid no heed to the advice of his higher authorities in regard to be regular to duties. For the fault and mistakes of the petitioner he cannot hold the respondent Company responsible. It is the petitioner himself who has to be blamed for this situation, which is the result of his negligent behaviour and callous attitude towards his job. In view of above, it is prayed to dismiss the claim petition as devoid of merits.

4. The enquiry conducted by the Respondent is held legal and valid by order dated 26.7.2018.

5. Heard arguments of Learned Counsels for both the parties u/s. 11A of the I.D. Act, 1947 as well as perused written arguments.

6. **On the basis of pleadings of both the parties, following points emerge for determination:-**

- I. Whether the industrial dispute has been raised by the Petitioner after an inordinate delay of 12 years and the same is liable to be dismissed on the ground of delay and latches?
- II. Whether the domestic enquiry conducted against the Petitioner is legal and valid?
- III. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in terminating the Petitioner workman from service is legal and justified?
- IV. Whether the punishment imposed upon the Petitioner for his misconduct under Clause 25.25 of Company Standing Orders is commensurate to the charges proved and the same is disproportionate?
- V. To what relief the Petitioner is entitled?

#### **FINDINGS**

7. **Point No.II:** It is submitted in this regard that the Departmental Enquiry held against the workman has been held legal and valid vide order dated 26.7.2018.

This point answered accordingly.

8. **Point No.I:** The counsel for the Respondent submits that Sec.10(2) of I.D. Act, 1947 provides that the application for raising industrial dispute shall be made to the Labour Court or Tribunal before expiry of 3 years from the date of discharge, dismissal, retrenchment or otherwise, termination of service as specified in the sub-section(1). Since the Petitioner was dismissed from the service of the Company on proved charge of absenteeism vide order dated 15.1.2001 with immediate effect i.e., 17.1.2001, there is abnormal delay of more than 12 years in raising the dispute by the Petitioner. Therefore, present petition is liable to be dismissed on the ground of delay and latches. It is also submitted that the question of delay in raising the dispute should be decided as preliminary issue. As per averment in the petition by the Petitioner, he was terminated from the service by the Respondent vide order dated 15.1.2001 on the proved charge of misconduct under the Departmental enquiry. Whereas the industrial dispute has been filed by the Petitioner in the year 2014 after the delay of 12 years from date of termination but, Petitioner has nowhere mentioned or explained the reason for such delay in raising the ID. Therefore, the claim of Petitioner has become stale due to delay and latches.

**In this context, following decisions of Hon'ble Apex Court are relevant.**

**a) In the case of Haryana Sate Cooperation Land Development Bank Vs. Neelam reported in 2005(5) SCC 91, have held,**

*"that a delay of seven years in approaching the Labour Court to be relevant factor to refuse relief of reinstatement;"*

**b) In the case of State of Karnataka and another Vs. Ravi Kumar reported in 2009 13 SCC 746, Hon'ble Apex Court have held,**

*"that long delay in seeking reference of the dispute has rendered the reference State and it should have been rejected by the Labour Court."*

**c) In the case of Assistant Engineer, C.A.D., Kota Vs. Dhan Kunwar AIR 2006 SC 2670 Hon'ble Apex Court have held,**

*"7. However, certain observations made by this Court need to be noted. In Nedungadi Bank Ltd. K.P. Madhavankutty and Ors. (2000 (2) SCC 455) it was noted at a paragraph 6 as follows:*

*"6. Law does not prescribe any time-limit for the appropriate Government to exercise its powers under Section 10 of the Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject-matter of reference under Section 10 of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under Section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made. The only ground advanced by the respondent was that two other employees who were dismissed from service were reinstated. Under what circumstances they were dismissed and subsequently reinstated is nowhere mentioned. Demand raised by the respondent for raising an industrial dispute was ex-facie bad and incompetent."*

**d) In S.M. Nilajkar and Ors. v. Telecom District Manager, Karnataka (2003 (4) SCC 27) the position was reiterated as follows (at para 17) :**

*"17. It was submitted on behalf of the respondent that on account of delay in raising the dispute by the appellants the High Court was justified in denying relief to the appellants. We cannot agree. It is true, as held in M/s. Shalimar Works Ltd. v. Their Workmen (AIR 1959 SC 1217)(supra), that merely because the Industrial Disputes Act does not provide for a limitation for raising the dispute it does not mean that the dispute can be raised at any time and without regard to the delay and reasons therefor. There is no limitation prescribed for reference of disputes to an industrial tribunal, even so it is only reasonable that the disputes should be referred as soon as possible after they have arisen and after conciliation proceedings have failed particularly so when disputes relate to discharge of workmen wholesale. A delay of 4 years in raising the dispute after even re-employment of the most of the old workmen was held to be fatal in Mis. Shalimar Works Limited v. Their Workmen (AIR 1959 SC 1217)(supra), In Nedungadi Bank Ltd. v. K.P. Madhavankutty and others AIR 2000 SC 839(supra), a delay of 7 years was held to be fatal and disentitled to workmen to any relief. In Ratan Chandra Sammanta and others v. Union of India and others (1993 AIR SCW 2214 (supra), it was held that a casual labourer retrenched by the employer deprives himself of remedy available in law by delay itself, lapse of time results in losing the remedy and the right as well. The delay would certainly be fatal if it has resulted in material evidence relevant to adjudication being lost and rendered not available. However, we do not think that the delay in the case at hand has been so culpable as to disentitle the appellants for any relief. Although the High Court has opined that there was a delay of 7 to 9 years in raising the dispute before the Tribunal but we find the High Court factually not correct. The employment of the appellants was terminated sometime in 1985-86 or 1986-87. Pursuant to the judgment in Daily Rated Casual Employees under P and T Department v. Union of India (AIR 1987SC 2342)(supra), the department was formulating a scheme to accommodate casual labourers and the appellants were justified in awaiting the outcome thereof. On 16-1-1990 they were refused to be accommodated in the scheme. On 28-12-1990 they initiated the proceedings under the Industrial Disputes Act followed by conciliation proceedings and then the dispute was referred to the Industrial Tribunal-cum-Labour Court. We do not think that the appellants deserve to be non-suited on the ground of delay."*

**e) In the case of Ratan Chandra Sammanta and others Vs. Union of India and others 1993 AIR SCW 2214, wherein Hon'ble Apex Court have held that,**

*" Delay itself deprives a person of his remedy available in law. In absence of any fresh cause of action or any legislation a person who has lost his remedy by lapse of time loses his right as well. From the date of retrenchment if it is assumed to be correct a period of more than 15 years has expired and in case we accept the prayer of petitioner*

*we would be depriving a host of others who in the meantime have become eligible and are entitled to claim to be employed."*

Therefore, in view of the law laid down by the Hon'ble Apex Court as discussed above and in the absence of any plausible explanation by Petitioner for such inordinate delay in filing the present claim of the Petitioner is barred by limitation due to inordinate delay and laches.

Thus, Point No.I is answered accordingly.

9. **Point No.III:** Petitioner in petition states that he was appointed as employee on 14.1.1986 and became permanent during the course of service in Respondent Company. Petitioner could not attend to his duties during the year 2006 due to his ill-health and a show cause notice dated 15.1.2000 was issued to him. Petitioner submitted a reply on 25.1.2000, that could not be considered by the Respondent Company and dismissed the services of the Petitioner through proceeding No.P/RKP/16/01/204, dated 15.1.2001.

10. On the other hand, Respondent submits that the Petitioner was initially appointed in the Company on 11.2.1986 and regularized as Coal filler. While he was working at MK.4 Mine, Mandamarri Area, he had put in 62 musters during the calendar year 1998 and remained absent to duties unauthorizedly on all other days in the year which constituted misconduct under Company's Standing Orders No.25.25. Hence, he was issued with a charge sheet bearing mk4/99/4/043 dated 24.2.1999/ 6.3.1999 under Company's Standing Orders No. 25.25 for the misconduct committed by him which reads as follows:

"25.25: Habitual late attendance or habitual absence from duty without sufficient cause."

The petitioner had received the charge sheet, and submitted his written explanation to the charge sheet issued to him wherein he submitted that due to his ill health he had put in 62 musters only during the year 1998, he took treatment for typhoid fever and henceforth he will be regular to duties, not attending to duties on his part is mistake and requested to excuse him. However, he failed to establish the alleged ill-health by producing medical reports, treatment slips etc.. His explanation was examined and found to be not satisfactory, an enquiry was ordered. An enquiry was conducted on 20.3.1999 adhering to the principles of natural justice. Before commencing the enquiry proceeding, the Enquiry Officer had explained the enquiry procedure to Petitioner. Petitioner had fully participated in the enquiry proceeding. The Enquiry Officer has offered the opportunity of availing the services of defence assistant but the Petitioner did not avail the same. The Presenting Officer and the management witnesses deposed their evidence. Further, documentary evidence was produced by the management to substantiate the charges leveled against the petitioner. Petitioner accepted his mistake and pleaded guilty of the charge levelled on his own. He stated that he remained absent due to ill-health and he took treatment at his native place where it was diagnosed as Typhoid. He further submitted that he has no documentary evidence to substantiate his claim. The Enquiry Officer on the basis of evidence adduced in the enquiry and after appreciating all the recorded evidence, submitted his report in which the petitioner was held to be guilty of the charges leveled against him under Company's Standing Orders No.25.25. Respondent also submits that the petitioner was supplied a copy of the Enquiry report and proceedings vide letter No. P/RKP/46/99/1472, dated 28.4.1999, wherein he was advised to submit his representation if any, against the findings of the enquiry officer within seven days of receipt of the letter. The petitioner received the letter dated 28.4.1999 along with its enclosures and on this, the petitioner made no representation. It is submitted that the Disciplinary Authority after going through the entire enquiry proceedings, and after evaluating all the evidence on record, concurred with the findings of the enquiry officer. Since the charges levelled and proved in the enquiry were grave and serious in nature warranting punishment of dismissal and as there were no extenuating circumstances to take a lenient view, the petitioner was dismissed from Company's Services w.e.f. 17.1.2001. It is to mention here that the petitioner was a chronic and habitual absentee and did not put in at least 190 attendances as expected from an underground workman during the years from 1996 to 2000 and he remained absent from duty without sanctioned leave, sick or sufficient cause and did not bother to communicate to the mine authorities about his inability at any point of time, which clearly establish the fact that he was not interested in his job. Further, it is submitted that Respondent has been operating Dispensaries, Area Hospitals and Main Hospital to extend medical facilities/aid to its employees, their dependant family members. The petitioner, if really was suffering from health problems, he ought to have reported sick in Colliery Hospital; he ought to have requested for sanction of leave to his credit or for sanction of loss of pay leave, but without availing these channels, he chose to remain absent from duties unauthorizedly. Therefore, the management was constrained to dismiss the petitioner, from the service of the Company with effect from 17.1.2001.

11. The perusal of the documents pertaining to Departmental Enquiry filed by the Respondent goes to show that the Petitioner workman has put in only 62 musters in a year wherein as per rule he is required to maintain 190 musters in a year. Moreover, Petitioner remained absent from duties without sanction of the leave from Competent Authority and he did not intimate authority about his leave/absence within time as per rule. Petitioner has taken the plea for unauthorized absence from duties that due to illness he could not attend duty. Now, he can not blame the Respondent for the action of the Respondent in terminating him from service. Moreover, he has taken plea that he fell ill during the absent period but neither he tried to intimate the authority about his illness nor he has filed any

document pertaining to his illness or treatment. No evidence of treatment of illness has been filed by the Petitioner to corroborate his plea. No explanation furnished by him as to why he did not go to Company hospital for treatment. Therefore, in the absence of said explanation and evidence, the plea of Petitioner regarding his illness is not acceptable. Since charge levelled against Petitioner for misconduct of absenteeism from duty has been proved during the enquiry and domestic enquiry has been held legal and valid vide order dated 26.7.2018, the plea taken by Petitioner is not tenable.

12. Having perused the enquiry proceeding along with the enquiry report, I am of the view that Enquiry Officer has appreciated the evidence recorded during the enquiry and submitted his reasoned report holding the Petitioner guilty of the charges of misconduct. Therefore, no case is made out to hold that domestic enquiry suffers from any procedural lapse in following the principles of natural justice, thereby causing any prejudice to the rights of the Petitioner. Therefore, the action of the Respondent Management is held legal and justified.

This Point No.III is answered accordingly.

13. **Point No.IV:** Once domestic enquiry is held legal and proper, the next question arises whether the punishment imposed on the Petitioner is just and legal or is it disproportionate to the gravity of the charges. In this regard Respondent Counsel submits that the Petitioner remained absent from duty for long periods in the year 1998 without any sanctioned leave or without any intimation to the competent authority. It is also submitted that Petitioner was a chronic and habitual absentee and did not put in least 190 musters attendance during the years 1996 to 2000 also. The contention of the Respondent has not been countered by the Petitioner. However, the Petitioner had just put in 62 musters in the year 1998. Prior to the year 2000, or three consecutive years i.e., 1997 to 1999 Petitioner did not complete the required musters of duty. Therefore, the Petitioner's conduct towards regarding his duty was negligent and delinquent and the Respondent employer has no option but to dismiss the Petitioner from the service. Since the Petitioner was chronic and habitual absentee and no employer would ever allow or support such behavior of his employee in such circumstances. The employer had therefore, every right to initiate domestic enquiry against the employee for such serious misconduct and behavior. Therefore, charge against the Petitioner was of serious nature of misconduct and order of dismissal passed against the Petitioner can not be faulted with or in any way disproportionate to the gravity of the charges, in other words, punishment of dismissal was proportionate with the gravity of the charges, hence deserves to be upheld. The following decisions are relevant on this point:-

1. Apex Court in **State of U.P. V. Ashok Kumar Singh 1996 (1) SCC 302, wherein the Apex Court had held:-**

*"Having noticed the fact that the first respondent has absented himself from duty without leave on several occasions, we are unable to appreciate the High Court's observation that 'his absence from duty would not amount to such a grave charge. Even otherwise on the facts of this case, there was no justification for the High Court to interfere with the punishment holding that 'the punishment does not commensurate with the gravity of the charge' especially when the High Court concurred with the findings of the Tribunal on facts. No case for interference with the punishment is made out."*

2. In the case of **North Eastern Karnataka R.T. Corpn. v. Ashappa decided on 12 May, 2006 wherein, the Apex Court had held:-**

*"Remaining absent for a long time, in our opinion, cannot be said to be a minor misconduct. The Appellant runs a fleet of buses. It is a statutory organization. It has to provide public utility services. For running the buses, the service of the conductor is imperative. No employer running a fleet of buses can allow an employee to remain absent for a long time. The Respondent had been given opportunities to resume his duties. Despite such notices, he remained absent. He was found not only to have remained absent for a period of more than three years, his leave records were seen and it was found that he remained unauthorisedly absent on several occasions. In this view of the matter, it cannot be said that the misconduct committed by the Respondent herein has to be treated lightly."*

3. **In Delhi Transport Corporation v. Sardar Singh [(2004) 7 SCC 574], the Apex Court held:**

*"11. Conclusions regarding negligence and lack of interest can be arrived at by looking into the period of absence, more particularly, when same is unauthorised. Burden is on the employee who claims that there was no negligence and/or lack of interest to establish it by placing relevant materials. Clause (ii) of para 4 of the Standing Orders shows the seriousness attached to habitual absence. In clause (i) thereof, there is requirement of prior permission. Only exception made is in case of sudden illness. There also conditions are stipulated, non-observance of which renders the absence unauthorised."*

Therefore, in view of the fore gone discussion and decisions of Hon'ble Apex Court, I am of the considered view that the order of dismissal passed against the Petitioner can not be faulted with or in any way disproportionate to the gravity of the charges.

Thus, Point No.IV is decided accordingly.

18. **Point No.V:** In view of the finding given in Point Nos. I to IV, the Petitioner is not entitled to get any relief and this petition is found to be baseless, hence, liable to be dismissed.



Thus, Point No.V is answered accordingly.

**Result:**

The action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Distt., in terminating the services of Sri Konda Saraiah, Ex-Coal Filler, MK-4 Inc., Mandamarri Area with effect from 17.1.2001 is justified. Hence, petition stands dismissed. The workman is not entitled to any relief as prayed for.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 4<sup>th</sup> day of October, 2023.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 21 नवम्बर,

**का.आ. 1845.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरी कंपनी लिमिटेड के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, हैदराबाद के पंचाट (संख्या नियंत्रण रेखा 7/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/11/2023 को प्राप्त हुआ था।

[सं. एल-22013/01/2023 – आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 21st November, 2023

**S.O. 1845.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (No. LC 7/2009) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Colliery Company Ltd.** and their workmen, received by the Central Government on **07/11/2023**.

[No. L-22013/01/2023 – IR (CM-II)]

MANIKANDAN. N., Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 6<sup>th</sup> day of October, 2023

**INDUSTRIAL DISPUTE L.C.No.7/2009**

Between:

Sri T. Shankaraiah,  
S/o Ilaiah,  
H.No.8-6-397,  
Bhagath Singhnagar,  
Godavarikhani – 505 214.  
Karimnagar District.

.....Petitioner

AND

1. The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Bhupalapalli, Warangal District.
  2. Superintendent of Mines,  
KTK V Incline, Bhupalapalli Area,  
M/s. Singareni Collieries Company Ltd.,  
Bhupalapalli, Warangal District.
- ....Respondents

**Appearances:**

For the Petitioner : M/s. G. Vidya Sagar & P. Sudheer Rao, Advocates

For the Respondent: Sri Y. Ranjeeth Reddy, Advocate

**AWARD**

Sri T. Shankariah who worked as General Mazdoor (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

**2. Brief averments made in the claim statement are as follows:**

It is submitted that the petitioner joined the Singareni Collieries Company Ltd., as Badli Filler on 16.9.1985. Subsequently from 1.2.1988 his services were utilized as Depillaring Trainee. Thereafter his services were also utilized as Short Firer from 1.8.88 to 31.1.89. From 1.4.89 he has undergone training for 3 months. Thereafter he was posted as Coal Filler with effect from 1.10.1989. He worked as Coal Filler from 1.10.1989 to 31.10.1989. It is submitted that while the petitioner was working as General Mazdoor, O.C.-I Ramagundam Area, he was issued with charge sheet dated 2.7.2001 alleging that he is executing plantation works on contract at Godavarikhani and Bhupalapalli area during 1999-2000 and 2000-2001 and that a partnership firm in the name of M/s Sai Constructions was registered. It was also alleged that he continued to absent for duties during 1997 to 2000. He contested as independent candidate for the post of Councilor in Ward No. 13 of Ramagundam Area in the year 1998 Municipal Elections without obtaining permission from the Company. The petitioner submitted his explanation vide representation dated 4.7.2001. Thereafter he also made another representation dated 5.9.2001. It is submitted that vide office order dated 1.4.2002 he was reverted to the post of Coal Filler with immediate effect. Aggrieved by the same the petitioner filed W.P.No. 12187/2002 and the same is pending before the Hon'ble High Court. It is submitted that the petitioner was again issued with charge sheet dated 3.3.2005 holding that the petitioner's wife is a partner of M/s Sai Constructions and that the petitioner is personally supervising the plantation works during the last 3 years and he is interfering with the works carried by the staff of Forest Departments and that he has submitted pseudonymous complaint against the Manager, Forestry, Bhoopalapally in the name of his wife Smt. T. Vijaya and that he was absented for duties during the year 2003-04. For which the Petitioner submitted explanation. Without considering the explanation in proper prospective, an enquiry was ordered. The enquiry officer submitted his report holding that the petitioner found guilty except the misconduct under Standing Order No. 27.17 all other allegations held proved by the Enquiry Officer vide his report dated 2.9.2006. The enquiry report was communicated to the petitioner vide show cause notice dated 5.10.2006. Thereafter vide office order dated 14.8.2007 the General Manager, Bhupalapalli Area imposed the punishment of dismissal from service. Basing on the proceedings of the General Manager, Bhupalapalli Area, the Superintendent of Mines, KTK No.5 Incline removed the name of the petitioner from the roles of the Company. It is submitted that the charge no.1 alleged against the petitioner is false and misconceived. Similar charges were framed against the petitioner on earlier occasion. He was imposed with punishment of reversion to the post of Coal Filler. Again the very same charges have been alleged against the petitioner. Thus initiation of Departmental Enquiry itself is illegal and contrary to law. No person can be imposed with double punishment for the same set of charges. The charges framed against the petitioner in the charge sheet dated 3.3.2005 and the earlier charge sheet dated 2.7.2001 are identical and one and the same. Thus initiation of Departmental enquiry itself is illegal, arbitrary and contrary to law. It is submitted that the enquiry officer proceeded with the enquiry in a mechanical manner as if he is the Presenting Officer. The Enquiry Officer gravely erred in holding that the charges are proved. The documents produced before the enquiry officer, namely exhibits ME.9 to ME.10 are false and concocted. These documents do not bear any date on which the said photographs have been taken. Thus, the entire enquiry was based on the evidence obtained behind the back of the petitioner and the concerned persons who have taken video have not been examined in the enquiry. The Enquiry Officer is also failed to



take into consideration that M/s Sai Constructions was registered on 23.10.1998 wherein the petitioner's wife and son are the partners. There is no hard and fast rule that the relatives of the petitioner should not undertake any business activity. In fact consequent to imposition of punishment to the post of Coal Filler, the petitioner was transferred from Godavarikhani Area to Yellandu on 1.4.2001. Thereafter he was transferred to Manuguru on 12.10.2001. He worked at Manuguru upto 14.5.2005. Thereafter again transferred to Bhupalapalli Area on 14.5.2005 and he worked in Bhupalapalli till 14.8.2007. Therefore, the question of petitioner undertaking works in Bhupalapalli area during the last 3 years from the date of issuance of charge sheet dated 3.3.2005 and false and misleading allegation. Similarly the charge no. 2 (c) and 2 (d) are equally false and concocted. The charge of absence from duty is an incorrect statement. The statement do not disclose whether he was in leave during the relevant point of time. The petitioner has been attending to duty diligently and whenever he was absented he has been informing to his superior officer. Further consequent to reversion from the post of General Mazdoor to the post of Coal Filler, he could not adjust to the underground mining activity, therefore he was falling ill and due to that he was forced to go on medical leave for undergoing treatment. Thus the absence, is only authorized and after intimation to the concerned officers. The charge that the petitioner got issued pseudonymous petition in the name of his wife is false and incorrect. If the petitioner's wife and son are carrying on the business activity, in the process they might have made a representation to the Singareni Collieries Company with regard to their affairs of their firm, for which the petitioner cannot be found fault with. It is submitted that the petitioner was imposed with the punishment of dismissal from service is shocking disproportionate and unjust to the charges leveled and proved against the petitioner. It is submitted that aggrieved by the order of dismissal from service dated 14.08.2007, the petitioner made a representation to the Chairman & Managing Director vide appeal dated 23.8.2007. The Director (P,A&W) vide proceedings Ref: CRP/PER/IR/95/199 dated 30.01.2008 confirmed the penalty of dismissal from service. Thus the petitioner is constrained to approach this Hon'ble Tribunal for necessary relief under Section 2 (A) (2) of Industrial Disputes Act, 1947. It is therefore prayed that this Hon'ble Court may be pleased to hold that the punishment of dismissal from service vide proceedings No.BHP/KTKS/R10/3014 dated 14.08.2007 is illegal and arbitrary; and consequently pass an award directing the respondent Management to reinstate the petitioner into service with all consequential benefits including arrears of salary and pass such other order or orders under the circumstances of the case and in the interest of justice.

### 3. **Respondent filed counter denying the averments of the Petitioner as under:**

It is submitted that the petitioner was dismissed from service on proved charges of misconduct after conducting a detailed domestic enquiry duly following the principles of natural justice. It is prayed that this Hon'ble Court may be pleased to decide the validity of domestic enquiry as a preliminary issue. In this regard, it is submitted that this Hon'ble Court may be pleased to permit the respondents to produce further evidence in case it is held that the domestic enquiry is not valid. It is submitted that the petitioner had accepted the misconduct of unauthorized absenteeism and as can be seen from the records he was dismissed vide Order dated 14.08.2007 and he has chosen to file the present case in October, 2009 i.e. after a lapse of nearly 2 years. Hence the petition is barred by delay and laches on which ground alone it is liable to be dismissed. It is submitted that in the case of Assistant Executive Engineer, Karnataka vs. Shivalinga (2002-LLR-0-327), the Hon'ble Supreme Court upheld the findings of the Labour Court which held that the abnormal delay in approaching the Labour Office would be fatal to the case and on that basis rejected the reference. It is submitted that the Petitioner was appointed as Badli Filler in the Respondent Company on 15.9.1985 and promoted as Coal Filler w.e.f. 1.1.1996. The petitioner was issued Charge Sheet No. OCM/130/1967 dated 2.7.2001 under Company's Standing Order Nos. 25(37), 25(25) and 25(3) and the charges leveled against him are as follows:-

25.37- Taking up of employment with any other employer or carrying on any business or trade, without the permission of the Management;

25.25 - Habitual late attendance or habitual absence from duty without sufficient cause.

25.3 - Willful insubordination or disobedience, whether alone or in conjunction with another or others of any lawful or reasonable order of a superior.

The Petitioner received the above charge sheet and submitted his explanation vide letter dated 22.7.2001 denying all the above charges. A full length domestic enquiry into the above charges leveled against the Petitioner was commenced on 31.7.2001, held in different dates and finally concluded on 10.8.2001. The Petitioner has fully participated in the proceedings and the Petitioner did not prefer to cross-examine the Management Witnesses on the statements deposed by them on behalf of the Management and was given fair opportunity to defend his case. A copy of enquiry proceedings and enquiry report were supplied to the Petitioner vide 2<sup>nd</sup> Show Cause Notice No. RG.IV/28A/1739, dated 21.8.2001 advising the Petitioner to submit his representation, if any within seven days from the date of receipt of the letter. The Petitioner has submitted his representation on 6.9.2001. On proven misconduct the Petitioner was reverted to his substantial post of Coal Filler vide Order dated 1.4.2002. Aggrieved by this order, the Petitioner has filed a Writ Petition No. 12817 of 2002 before the Hon'ble High Court of Andhra Pradesh and the same is pending. It is submitted that the Petitioner was again issued with Charge Sheet No. BHP/KTK.5/R06/738, dated 3.3.2005 as he committed misconduct under Company's Standing Order Nos. 25.37, 25.17 and 25.25 which reads as follows.

25.37 Taking up of employment with any other employer or carrying on any business or trade, without the permission of the Management;

25.17 - Making accusations or allegations against a superior or an officer of the Company without any basic proofs.

25.25 - Habitual late attendance or habitual absence from duty without sufficient cause.

The Petitioner received the above charge sheet on 3.3.2005 and submitted his explanation vide letter dated 6.3.2005 denying the charges. The explanation submitted by the Petitioner was found to be not satisfactory as domestic enquiry was ordered by appointing an Enquiry Officer. Accordingly an Enquiry Notice bearing No.BHP/KTK.5/ R-008/ 738, dated 3.3.2005 was issued advising the Petitioner to appear for the Enquiry on 10.11.2005 at 3.30 PM at the office of Superintendent of Mines, KTK.S Incline, Bhupalpalli Area. The Petitioner received enquiry notice and participated in the enquiry. A full length domestic enquiry into the above charges levelled against the Petitioner was commenced on 10.11.2005, held on different dates and finally concluded on 13.7.2006. The Enquiry was conducted into the above charge sheet and the Petitioner has fully participated in the enquiry. Enquiry was conducted by the Enquiry Officer following the principles of natural justice. The Petitioner was given full and fair opportunity to defend his case. It is submitted that the Petitioner has fully participated in the enquiry but failed to defend his case as he has no case to defend. On the other hand the Management Witnesses have produced the relevant records / information. The charges leveled against the Petitioner under Company's Standing Orders 25(25) and 25(37) were proved. As the misconduct is grave and serious in nature and the Petitioner has repeated the same nature of misconduct he was dismissed from the services of the company w.e.f. 14.8.2007 vide Order No. BHP/PER/20-D/2977 dated 14.8.2007. Even after giving him an opportunity on earlier occasion by awarding lesser punishment the petitioner has not changed. In fact, the Petitioner has still involved and continued the same misconduct which is against Company Rules. Further the Petitioner is neglecting his duties and committed misconduct of absenting as has been committed on the earlier occasion. Disciplinary Action taken on earlier occasion by imposing lesser punishment anticipating change in the attitude of the workman has not yielded any result. The charges leveled against the petitioner were proved by the Enquiry Officer in second occasion also. It is submitted that the contention of the petitioner that the whole enquiry was conducted in a routine and mechanical manner with a predetermined notion to put the petitioner to extreme hardship of dismissal from service is utterly incorrect. The Enquiry Proceedings were conducted by the Enquiry Officer following principles of natural justice and giving every opportunity to the charge sheeted employee to defend his case. The petitioner himself accepted his mistake in the enquiry and failed to substantiate his statement that he was absent due to some personal problems with any documentary evidence. He further accepted in the enquiry proceedings that he remained absent. Therefore, the allegations made in this regard are false. The Petitioner has not raised any objection to the documents marked by the Management witnesses, at any point of time. It is submitted that the allegations that the Enquiry Officer failed to take into consideration that M/s. Sai Construction was registered on 23.10.1998 wherein the Petitioner's Wife and son are the partners is not correct. It is submitted that it is amply proved that the Petitioner was carrying on business on the name of the firm and the absenteeism from the duty is also proved. It is to submit that the whenever the Petitioner was absented the same is informed to his superiors is denied. Further that the Petitioner was on medical leave is also denied. The Petitioner has neither produced any record nor medical treatment papers during the time of enquiry nor at the time of submitting his explanation to the 2<sup>nd</sup> show cause notice. It is submitted that the Petitioner got issued pseudonymous petition in the name of his wife is false. If really the Petitioner's wife and son are carrying on the business activity, he might have made a representation to the Company with regard to the affairs of their firm for which the Petitioner cannot be found fault with. It is to submit that the Petitioner was earlier drafted to his substantial post as Coal Filler on proven charges of misconduct. But lesser punishment was awarded with an intention that he will change his attitude. Despite that, the petitioner has not changed his attitude and committing misconduct of absenting habitually from his duties apart from indulging in other misconducts as charged in charge sheet. Under the circumstances, the Management have no other option except to dismiss him from the services of the Company. It is to submit that the Petitioner was given an opportunity to appeal to the Appellate Authority i.e., Director (PA&W), Kothagudem and accordingly the Petitioner has submitted an appeal to the Appellate Authority vide his representation dated 23.8.2007. After going through the Appeal, the Petitioner's past record and enquiry report, the Appellate Authority has confirmed the penalty of dismissal as there are no extenuation circumstances to set aside the Order of penalty of dismissal. Hence, prayed to dismiss the petition.

4. The Departmental Enquiry held legal and valid vide order dated 21.4.2017.

5. Heard arguments of the Learned Counsel for Petitioner and Respondent counsels. Both parties have also filed written submissions.

6. **On the basis of rival pleadings and contentions of Petitioner and Respondent the following issues emerge for determination:-**

I. Whether the Departmental Enquiry held against the Petitioner is legal and valid?

- II. Whether the action of the Respondent in dismissing the Petitioner from service vide proceeding No.BHP/KTKS/R10/3014 dated 14.8.2007 is illegal, arbitrary and disproportionate to the charges levelled against him and is liable to be quashed as alleged by the Petitioner?
- III. If not, to what relief the Petitioner is entitled for?

### **FINDINGS:-**

7. **Point No.I:-** Departmental Enquiry has been held legal and valid vide order dated 21.4.2017.

This Point No.I is answered accordingly.

8. **Point No.II:-** Petitioner submits that he joined the service of the Respondent Company as Badli Filler on 16.9.1985. While working as General Mazdoor, O.C.-I Ramagundam Area, he was issued with charge sheet dated 2.7.2001 alleging that he is executing plantation works on contract at Godavarikhani and Bhupalapalli area during 1999-2000 and 2000-2001 and that a partnership firm in the name of M/s Sai Constructions was registered. Further, it was alleged that he continued to absent for duties during 1997 to 2000. Further, it was alleged that he contested as independent candidate for the post of Councilor in Ward No. 13 of Ramagundam Area in the year 1998 Municipal Elections without obtaining permission from the Company. It is further submitted that after receipt of the charge sheet the petitioner submitted his explanation vide representation dated 4.7.2001 denying the charge levelled against him. After conducting the enquiry Respondent issued office order dated 1.4.2002 reverting him to the post of Coal Filler with immediate effect. Aggrieved by the same the petitioner filed W.P.No. 12187/2002 and the same is pending before the Hon'ble High Court for consideration.

9. Further, the Petitioner submits that he was again issued with charge sheet dated 3.3.2005 alleging that the petitioner's wife is a partner of M/s Sai Constructions and that the petitioner is personally supervising the plantation works during the last 3 years and he is interfering with the works carried by the staff of Forest Departments and that he has submitted pseudonymous complaint against the Manager, Forestry, Bhoopalapally in the name of his wife Smt. T. Vijaya and that he was absented for duties during the year 2003-04. For which the Petitioner submitted explanation. Without considering the explanation in proper prospective, an enquiry was ordered. The enquiry officer submitted his report holding that the petitioner found guilty except the misconduct under Standing Order No. 27.17 all other allegations held proved by the Enquiry Officer vide his report dated 2.9.2006. It is submitted that there is no evidence before the Enquiry Officer to show that the Petitioner had committed irregularities as alleged in the charge sheet and the findings of the Enquiry Officer are perverse and unjustified. It is also submitted that the Enquiry Officer whole submitting the enquiry report before the Disciplinary Authority has not give opportunity to the Petitioner for furnishing the explanation. Further, it is submitted that the Respondent after considering the enquiry report has issued the office order dated 14.8.2007 imposing the punishment of dismissal from service. It is also submitted that no person can be imposed with double punishment for the same set of charges. The charge framed against the Petitioner in the charge sheet dated 3.3.2005 and earlier charge sheet dated 2.7.2001 are identical and one and the same. Thus, intention of the Departmental Enquiry itself is illegal, arbitrary and contrary to law. Hence, the order of removal of the name of the Petitioner from the rolls of the Company is illegal and arbitrary.

10. On the other hand, Respondent has refuted the allegations and submissions made by the Petitioner against the impugned order of dismissal of the Petitioner from the service.

11. Perused the record. Petitioner has challenged the impugned order on three grounds. Firstly, It is urged that there is no evidence on record against the Petitioner to substantiate the charges levelled against him and order of dismissal is perverse, arbitrary and contrary to law. Perusal of the record goes to reveal that the legality and validity of the domestic enquiry has already been held legal and valid vide order dated 21.4.2017. As far as the question of sufficiency of the evidence to substantiate the charge against the Petitioner is concerned, it is settled law that it is the jurisdiction of the Disciplinary Authority to look into the material in enquiry proceeding and give the finding on the basis of the material available on record and to pass the order of punishment. Respondent has filed documents pertaining to the enquiry proceedings, that goes to show that the Enquiry Officer in his report has taken into consideration the evidences of all the witnesses recorded during the enquiry and on the basis of the oral and documentary evidence he has given the finding in the enquiry report and found the Petitioner guilty of the charges levelled against him. The enquiry has been conducted by following principles of natural justice by affording fair opportunity of hearing to the delinquent. As per enquiry report Petitioner was found guilty of the charges levelled against him under Standing Orders No.25.37 and 25.25. The Enquiry Officer has recorded the finding that charge under Standing Orders No.25.17 found not proved against the Petitioner. It delineates that Enquiry Officer has applied his mind to the evidence recorded during the enquiry proceeding, on record before submission of enquiry report to Disciplinary Authority. Further, it is evident that the enquiry proceeding dated 10.11.2005 was conducted in the presence of the Petitioner and during the proceeding answering to the question that whether he admit the charges levelled against him under Company's Standing Orders No.25.25 for habitual late attendance or habitual absence from duty without sufficient cause on the dates mentioned in the charge sheet during the year 2003-04 delinquent replied,

*“Yes. I am admitting the charges levelled against me under Company Standing Orders No.25(25) for habitually late attendance or Habitually absence from duty without sufficient cause on the dates mentioned in the charge sheet during the year 2003 & 2004. I am denying the charges mentioned under Company Standing Order 25(17) & 25(37). Mentioned in the said charge sheet and I plead not guilty.”*

Thus, the charge under Standing Orders No.25.25 has been admitted by the Petitioner during the enquiry proceeding and the rest of charge under Standing Orders No.25.37 has been substantiated by the oral and documentary evidence. The contention of the Petitioner that charge is not proved against him due to want of evidence is not tenable.

12. As regards the charge under Standing Orders No.25.37 against the delinquent Respondent contended that Petitioner during his service has been continuing his private business of executing plantation contract in the name of Benami firm and he also took the contract for supervision of the plantation in that area during the last three years. Whereas under the provision of Standing Orders No.25.37 of the Company, the taking up other employment on Trade or profession with any other employer or carrying on business during the employment of Respondent without the permission of the Management is gross misconduct. It is contended that during the enquiry proceeding sufficient evidence was collected by the Enquiry Officer to substantiate the charge levelled under Standing Orders No.25.37 against the Petitioner. Perused the record. I find force in the contention of Respondent, therefore, the submission of the Petitioner not acceptable.

13. Petitioner vehemently urged that once he has been punished for the charge under Standing Orders No.25.37 of the Company vide order dated 1.4.2002, reverting him to the post of coal filler and now again he has been charge sheeted for the same conduct under the Standing Orders No.25.37 of the Company vide charge sheet dated 3.3.2005. It is submitted that once he has been inflicted with punishment of deduction in rank for the charge under Standing Orders No.25.37 and again he has been inflicted with the punishment of dismissal for the same charge under Standing Orders No.25.37 which is against the principle of double jeopardy and also contrary to law.

14. Perused the record. It is not a trait of law that once the Petitioner has been held guilty and punished for the misconduct under the Company's Standing Orders No.25.37 why he can not be charge sheeted again for the misconduct under Standing Orders No.25.37 if he repeat such misconduct. Whereas in the present matter on earlier occasion Petitioner was charge sheeted under Standing Orders No.25.37, in the year 2001 for which he was awarded the punishment of reversion in the year 2002, but again he continued to commit same misconduct under the Company's Standing Orders No.25.37, therefore, the Respondent Management is conferred with authority to initiate the Departmental Enquiry against such employee and to award the punishment commensurate to gravity of misconduct committed by the delinquent. On earlier occasion Petitioner committed misconduct under Standing Orders No.25.37 and was found guilty and was imposed lesser punishment of reversion to lower post with a view to give a chance to reform his conduct. But when the Petitioner repeated the same misconduct under Company's Standing Orders No.25.37 and 25.25, the gravity of misconduct was viewed serious by Respondent Management and Petitioner was imposed punishment of dismissal from service. Therefore, in view of the discussion, I am of the considered view that the action of the Respondent in dismissing the Petitioner is legal and justified.

15. As far as the question of disproportionate punishment is concerned, the perusal of the record goes to reveal on that earlier occasion Petitioner has been held guilty of the same charge under Company's Standing Orders No.25.37, and 25.25 and was imposed punishment of reversion to the post of coal filler, and again he committed same grave misconduct under Standing Orders No.25.25 and 25.37 and Respondent Management after holding the Departmental Enquiry against him found him guilty of charge. The repetition of the same misconduct by the Petitioner in breach of the Company's Standing Orders No.25.25 and 25.37 makes the charge serious and grave and in such circumstances, a reasonable employer would have no option except to dismiss such employee from the service. Therefore, punishment of dismissal awarded to the Petitioner is proportionate to the gravity of charge levelled against him and commensurate to the charge of misconduct committed by him under Company's Standing Orders No.25.25 and 25.37.

*Thus, Point No.II is answered accordingly.*

16. *Point No.III:* In view of the fore gone discussion at Points No.I & II, it is held that the Petitioner is not entitled to any relief.

This Point is answered accordingly.

Result:

The action of the Respondent Management is held legal and justified. Accordingly Petition is dismissed and Petitioner is not entitled to any relief as prayed for.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 6th day of October, 2023.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 21 नवम्बर, 2023

**का.आ. 1846.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरी कंपनी लिमिटेड के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय**, हैदराबाद के पंचाट (पहचान संख्या 191/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/11/2023 को प्राप्त हुआ था।

[सं. एल-22012/47/2014-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 21st November, 2023

**S.O. 1846.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 191/2014**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Colliery Company Ltd.** and their workmen, received by the Central Government on **07/11/2023**.

[No. L-22012/47/2014 – IR (CM-II)]

MANIKANDAN. N., Dy. Director

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**

Present: **Sri IRFAN QAMAR**

Presiding Officer

Dated the 3<sup>rd</sup> day of October, 2023

**INDUSTRIAL DISPUTE No. 191/2014**

Between:

The President,

(Sri Bandari Satyanarayana)

Rashtriya Collieries Mazdoor Sangh (RCMS),

Rajkumar Complex, Saibaba Temple Road,

Jaffar nagar, Mancherial – 504208.

Adilabad Distt. (A.P.)

..... Petitioner

AND

The General Manager,

M/s. Singareni Collieries Company Ltd.,

Sreerampur Area, Sreerampur – 504 303.

.... Respondent

Appearances:

For the Petitioner : Sri Bhagwanth Rao, Advocate

For the Respondent: Sri Y. Ranjeeth Reddy, Advocate

### AWARD

The Government of India, Ministry of Labour by its order No. L-22012/47/2014-IR(CM-II) dated 8.8.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

### SCHEDULE

“Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Sreerampur Area, Adilabad Distt. in terminating the services of Sri Gudala Rayalingu, Ex-Coal Filler, RK-8 Inc., Sreerampur Area with effect from 5.12.2002 is justified or not? If not, to what relief the applicant is entitled for?”

The reference is numbered in this Tribunal as I.D. No. 191/2014 and notices were issued to the parties concerned.

#### 2. The averments made in the claim statement are as follows:

It is submitted that the Petitioner was appointed as an employee on 11.2.1987, and he become permanent Employee during the course of service in the Company. The Service conditions of the Petitioner are governed by various standing orders of Company. It is submitted that the Petitioner could not attend to his duties during the year 2006 due to his ill health, then Respondent issued a show cause notice dated 22.4.2001 and the Petitioner submitted a Reply on 20.6.2001 which was not considered by the Respondent Company and he was dismissed from Service through proceedings No. SRP/PER35A/02/4561, dated 5.12.2002. It is submitted that the Petitioner preferred an appeal to the Higher authorities which went in vein, and authority concerned mechanically upheld the orders of Chief General Manager, Srirampur Division. It is further submitted that the Petitioner was put in 3 years of service without any red remark and the Petitioner has got still 20 years of service for superannuation. Further, it is submitted that removing from services of the Respondent, person who rendered more than 2 years of qualified service is arbitrary, illegal and against to the principles of natural justice and also against to the Provisions of the Standing Orders of the Company. It is submitted that the Petitioner was given employment for the post as Coal Filler. So giving employment to the Petitioner is subject to availability of vacancy of work. Whenever Petitioner used to go for job there is no work but there appears to be a contributory negligence. It is submitted that Respondent company one way given employment and other way dismissed from service. The intention of the company is crystal clear i.e., to remove the masses i.e excessive labour. Further, it is submitted that the company adopted unfair labour practice and victimization. The Petitioner could not opt Rs.3,00,000/- as compensation in lieu of employment, but opted employment. Now the Petitioner has got re-option to claim compensation of Rs. 5,00,000/- in lieu of dependent employment through Settlement 20.11.2009 if the employment is not provided. It is submitted that the action of the Respondent amounts to "Hire and Fire" which has no force in the Industrial Jurisprudence. It is submitted that the "Award And Settlements" both are decrees in terms of Industrial disputes Act. Further, it is submitted that there was settlement before the Regional Labour Commissioner at Hyderabad, that those who were removed from 1.1.2000 to 30.12.2010, those cases can be considered by the Management as per the Circular P.40/5911/IR/33, dated 10.3.2000 and the Petitioner was called for interview, but the case of the petitioner was not considered for re-employment as per the settlement. If the petitioner was given employment he would have been put in more than additional 20years of service. Therefore non-consideration of settlement by the company is very bad and against the law. That the Respondent did not conduct enquiry properly and no documents were given to the Petitioner and no subsisting allowance was paid to him. The Respondent obtained thumb impressions on enquiry report and conducted enquiry and Petitioner do not know the English language and enquiry conducted by the Respondent without mentioning contents therein is arbitrary, illegal and against to the Principles of natural Justice. That the Petitioner prays the Hon'ble Court to decide the validity of Domestic enquiry as Preliminary issue. It is submitted that after removal from the service by the Respondent to the Petitioner dated 13.10.2008 the Petitioner and children of Petitioner are fallen on roads with untold sufferings. The relationship between the Petitioner and Respondent is still continuing and the Petitioner not yet reached the age of superannuation. Hence, prayed to direct the Respondent to reinstate the Petitioner into Service with continuity and other attendant benefits and with full back wages, by setting aside dismissal order passed by Respondent.

#### 3. Respondent filed counter denying the averments of the Petitioner as under:

It is submitted that the RCMS Union who raised the dispute before the conciliation officer, has not filed any Claim Statement before this Hon'ble Tribunal and as such Sri Gudala Rayalingu who filed the Claim Statement is not



maintainable and considering that the petitioner-union has no case to represent before this Hon'ble Tribunal. It is submitted that the petitioner was dismissed from the services of the Company on proved charge of absenteeism vide letter No.SRP/PER/ 35A/02/5461, dated 5-12-2002 with immediate effect i.e. 05.12.2002. It is submitted that there is an abnormal delay of about 12 years in raising the dispute by the Petitioner and therefore the petition is liable to be dismissed on the ground of delay and laches. It is prayed that this Hon'ble Tribunal may be pleased to decide the delay in raising the dispute as a preliminary issue. It is submitted that the delinquent workman was dismissed on proved charges after conducting a detailed domestic enquiry duly following the principles of natural justice. That the validity of domestic enquiry be decided as a preliminary issue. In this regard, it is submitted that this Court permit the respondent to produce the evidence in case it is held that domestic enquiry is not valid. It is submitted that the Petitioner, Sri Gudala Rayalingu, S/o Durgaiah as mentioned in his Claim Petition filed before this Hon'ble Tribunal, and Sri Gaddala Rayamallu S/o. Durgaiah as recorded in the Company Records, is the same person. It is submitted that Sri Gaddala Rayamallu S/o.Durgaiah, Employee Code 2825864, Coal Filler, RK.8 Incline, Sreerampur Area of the Respondent Company, was initially appointed in the Company on 24.3.1987 as Floating Badli filler and regularised as Coal Filler with effect from 1.1.1995. While he was working at RK.8 Incline, Sreerampur Area, he had put in just 78 musters during the calendar year 2000 and remained absent to duties unauthorisedly on all other days in the year, which constituted misconduct under Company's Standing Orders No.25.25. Hence, he was issued with a charge sheet bearing No. RK8/5/2k1/1197, dated 22-4-2001 under Company's Standing Orders No. 25.25 for the misconduct committed by him which reads as follows:

"25.25: Habitual late attendance or habitual absence from duty without sufficient cause."

It is submitted that though the petitioner had received the charge sheet, he did not submit his written explanation to the charge sheet issued to him nor did he appear for the enquiry fixed on 5.5.2001. Further, enquiry notices were sent to the petitioner to attend for enquiry on 10.8.2001 and 14.9.2001. The petitioner received the same on 2.8.2001 and on 24.9.2001 but did not attend the enquiry fixed on the above dates. Finally an enquiry notice dated 20.9.2001 was sent to the petitioner to attend the enquiry on 13.10.2001. Though the petitioner had received the enquiry notice he did not attend the enquiry on the said date. It is submitted that in spite of ample opportunity was given to the petitioner to attend the enquiry and to defend his case, he did not attend for the enquiry on any of the above said dates. Hence, an ex-parte enquiry was conducted on 13.10.2001 by the Enquiry Officer. The Presenting Officer and the management witnesses deposed their evidence. Further, the documentary evidence was produced by the management to substantiate the charges leveled against the petitioner. The Enquiry Officer on the basis of evidence adduced in the enquiry and after appreciating all the recorded evidence, submitted his report in which the petitioner was held to be guilty of the charges leveled against him under Company's Standing Orders No.25.25. It is submitted that the petitioner was supplied a copy of the Enquiry report and proceedings vide letter NoRK8/43/R/6B/2002/213, dated 24.1.2002 wherein he was advised to submit his representation if any, against the findings of the enquiry officer within seven days of receipt of the letter. The petitioner received the letter dated 24.1.2002 along with its enclosures. On this, the petitioner had submitted a representation which was received on 1.2.2002 stating that due to his ill health for two years he did not attend for duty, and not to become his three children as orphans, he requested the management to excuse him and to allow him for duty. It is submitted that the Disciplinary Authority after going through the entire enquiry proceedings, and after evaluating all the evidence on record, and the representation submitted by the petitioner, concurred with the findings of the enquiry officer. Since the charges levelled and proved in the enquiry were grave and serious in nature warranting punishment of dismissal and as there were no extenuating circumstances to take a lenient view, the petitioner was dismissed from Company's Services with effect from 5.12.2002 vide letter No.SRP/PER/35A/02/5461, dated 5.12.2002. It is submitted that the petitioner was a chronic and habitual absentee and did not put in at least 190 attendances as expected from an underground workman during the years from 1998 to 2000. Further, he remained absent from duty without sanctioned leave, sick or sufficient cause and did not bother to communicate to the mine authorities about his inability at any point of time, which clearly establish the fact that he was not interested in his job. The Respondent Company has been operating Dispensaries, Area Hospitals and Main Hospital to extend medical facilities/aid to its employees, their dependant family members. The petitioner, if really was suffering from health problems, he ought to have reported sick in Colliery Hospital; he ought to have requested for sanction of leave to his credit or for sanction of loss of pay leave, but without availing these channels, he chose to remain absent from duties unauthorisedly. Therefore, the management was constrained to dismiss the petitioner, from the service of the Company with effect from 5.12.2002. The petitioner was dismissed from the company's service on proved charges of misconduct under Company's Standing Orders 25.25. It is submitted that citing some or other reason for absenteeism is not sufficient but such a cause/reason should be substantiated by the petitioner with documentary evidence. It is not the case of submission of documentary evidence by the petitioner and not taking into account such evidence by Respondent Company before awarding the punishment. The petitioner had put in the following musters per year during the years 1998, 1999 and 2000, which indicate the fact that the petitioner was never regular to duties.

Year	Attendance
1997	143
1998	128
1999	111

The further contention of the petitioner that since he got another 20 years of service for superannuation, removing the service of the petitioner with more than 2 years of qualified service is illegal and against principles of natural Justice and also against the provisions of Standing Orders of the Company, is totally incorrect and meritless. If he had left over service of 20 years, the petitioner had to be very careful and discharge his responsibilities and duties with commitment. Length of service already rendered and the period of service left over are not the criteria for initiating disciplinary action and imposing penalty. Depending upon the seriousness of the misconduct committed and the gravity of the misconduct established, penalty will be imposed. The petitioner committed the misconduct of remaining absent to duties unauthorizedly and failed to correct himself in spite of giving sufficient opportunity; his attendance before and after issuance of charge sheet was found to be very poor; not complied the laid down procedure of reporting sick in Colliery Hospital; communicating inability to attend duties to the Head of the Mine and even not requested for sanction of loss of pay leave and not submitted documentary evidence in support of alleged ill-health and also failed in putting in 190 musters at least in any one of the calendar years over the 3 calendar years from 1998 to 2000. This is a clear cut indication of indifferent attitude of the petitioner towards his employment. The action of respondents in dismissing the petitioner is neither arbitrary, illegal nor against the principles of natural Justice and also not against the provisions of Standing Orders as claimed by the petitioner. It is submitted that giving employment to the petitioner is subject to availability of vacancy of work and that whenever petitioner used to go for job there was no work but there appears to be contributory negligence, is denied as there exists no truth. The petitioner was never regular to duties and as such the question of returning him after coming for duty does not arise. It is to submit that in the Respondent Company in a Mine in each shift 400 to 500 employees will work. Naturally among such quantum of employees, few will surely go on authorised leave or report sick and in their places management provides employment to Badlies and never the management returns an employee after booking his IN muster at the Mine but provides him job and more so the petitioner was being a permanent employee, the question of not providing work to him did not arise at all. The petitioner in his representation received on 1.2.2002 admitted that as he remained absent from duty, because of his ill health and he was not regular to duties and requested to excuse his mistake, but now makes false allegations that he was not shown work and was returned whenever he went to mine for job. The respondent company will never have a predetermined notion against any of its employee and if at all excess manpower is found it has other legal measures to overcome such crisis. It has already introduced Voluntary Retirement Scheme (Golden Handshake); Special Female Voluntary Retirement Scheme; Voluntary Retirement Scheme (Low Productive Employees) but never used the disciplinary action of dismissal to eliminate surplus manpower. The Respondent Company never indulged in unfair labour practice and victimization as alleged by the petitioner. The respondent company had entered into a Memorandum of Settlement to provide an opportunity to the employees dismissed on the ground of absenteeism for appointment as Badli Fillers afresh. In the Memorandum of Settlement dated 09.08.2011 arrived at with the then Recognized Union SCWU, AITUC it was agreed to review the cases of employees dismissed on account of absenteeism during the period from 01.01.2000 to 31.12.2010 and the conditions are that (1) the dismissed employee should be below 55 years as on the date of MoS i.e. as on 09.08.2011; (2) the dismissed employee should have put in 190 musters if an underground employee and 240 musters if surface employee, in any two calendar years out of the 5 years prior to the year of dismissal (or) should have put in 150 musters (underground employee), 200 musters (surface employee) every year in the previous four years of dismissal year and (3) these dismissed employees will be interviewed by High Power Committee and on the basis of High Power Committee's recommendations subject to medical fitness the candidate will be given appointment as Badli Filler Underground. In the present case, the petitioner is not satisfying the stipulations and hence his case was not considered for appointment afresh as Badli Filler. Without qualifying himself for reappointment the petitioner cannot claim that if he is considered for reemployment as per Settlement he would have put in 20 years of service, is not tenable. Enquiry Officer had held the enquiry proceedings duly following the principles of natural justice and though the petitioner had received the charge sheet and enquiry notices, he did not attend and participate in the enquiry and hence the enquiry was held ex-parte. It is submitted that when the petitioner did not participate and defend his case in the enquiry and the enquiry was conducted ex-parte by the enquiry officer, the allegations of the petitioner that enquiry was not conducted properly, no documents were given to the petitioner, no subsisting allowance was paid to him, and that thumb impressions on enquiry report were obtained and that petitioner did not know English etc. are baseless. If the enquiry proceedings were not conducted properly, the petitioner could have submitted his objections when he was supplied the copy of enquiry proceedings and report. It is submitted that without doing so all these years, now after a lapse of 12 years, the petitioner is claiming that enquiry was not conducted properly and that it is arbitrary, illegal and against principles of natural Justice, is not correct. It is submitted that the concerned workman should have been more careful and conscious of his responsibilities, towards his family members and towards his job. He failed to realize his mistake in spite of giving opportunities and paid no heed to the advice of his higher authorities



in regard to be regular to duties. For the fault and mistakes of the petitioner he cannot hold the respondent Company responsible. It is the petitioner himself who has to be blamed for this situation, which is the result of his negligent behaviour and callous attitude towards his job. In view of above, it is prayed to dismiss the claim petition as devoid of merits.

4. The enquiry conducted by the Respondent is held legal and valid by order dated 22.7.2019.
5. Heard arguments of Learned Counsels for both the parties u/s. 11A of the I.D. Act, 1947 as well as perused written arguments.
6. **On the basis of pleadings of both the parties, following points emerge for determination:-**
  - I. Whether the industrial dispute has been raised by the Petitioner after an inordinate delay of 12 years and the same is liable to be dismissed on the ground of delay and latches?
  - II. Whether the domestic enquiry conducted against the Petitioner is legal and valid?
  - III. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in terminating the Petitioner workman from service is legal and justified?
  - IV. Whether the punishment imposed upon the Petitioner for his misconduct under Clause 25.25 of Company Standing Orders is commensurate to the charges proved and the same is disproportionate?
  - V. To what relief the Petitioner is entitled?

### FINDINGS

7. **Point No.II:** It is submitted in this regard that the Departmental Enquiry held against the workman has been held legal and valid vide order dated 22.7.2019.

This point answered accordingly.

8. **Point No.I:** The counsel for the Respondent submits that Sec.10(2) of I.D. Act, 1947 provides that the application for raising industrial dispute shall be made to the Labour Court or Tribunal before expiry of 3 years from the date of discharge, dismissal, retrenchment or otherwise, termination of service as specified in the sub-section(1). Since the Petitioner was dismissed from the service of the Company on proved charge of absenteeism vide order dated 5.12.2002 with immediate effect i.e., 5.12.2002, there is abnormal delay of more than 12 years in raising the dispute by the Petitioner. Therefore, present petition is liable to be dismissed on the ground of delay and latches. It is also submitted that the question of delay in raising the dispute should be decided as preliminary issue. As per averment in the petition by the Petitioner, he was terminated from the service by the Respondent vide order dated 5.12.2002 on the proved charge of misconduct under the Departmental enquiry. Whereas the industrial dispute has been filed by the Petitioner in the year 2014 after the delay of 12 years from date of termination but, Petitioner has nowhere mentioned or explained the reason for such delay in raising the ID. Therefore, the claim of Petitioner has become stale due to delay and latches.

**In this context, following decisions of Hon'ble Apex Court are relevant.**

a) **In the case of Haryana Sate Cooperation Land Development Bank Vs. Neelam reported in 2005(5) SCC 91, have held,**

*“that a delay of seven years in approaching the Labour Court to be relevant factor to refuse relief of reinstatement;”*

b) **In the case of State of Karnataka and another Vs. Ravi Kumar reported in 2009 13 SCC 746, Hon'ble Apex Court have held,**

*“that long delay in seeking reference of the dispute has rendered the reference State and it should have been rejected by the Labour Court.”*

c) **In the case of Assistant Engineer, C.A.D., Kota Vs. Dhan Kunwar AIR 2006 SC 2670 Hon'ble Apex Court have held,**

*“7. However, certain observations made by this Court need to be noted. In Nedungadi Bank Ltd. K.P. Madhavankutty and Ors. (2000 (2) SCC 455) it was noted at paragraph 6 as follows:*

*“6. Law does not prescribe any time-limit for the appropriate Government to exercise its powers under Section 10 of the Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject-matter of reference under Section 10*

of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under Section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made. The only ground advanced by the respondent was that two other employees who were dismissed from service were reinstated. Under what circumstances they were dismissed and subsequently reinstated is nowhere mentioned. Demand raised by the respondent for raising an industrial dispute was *ex-facie* bad and incompetent."

**d) In S.M. Nilajkar and Ors. v. Telecom District Manager, Karnataka (2003 (4) SCC 27) the position was reiterated as follows (at para 17) :**

"17. It was submitted on behalf of the respondent that on account of delay in raising the dispute by the appellants the High Court was justified in denying relief to the appellants. We cannot agree. It is true, as held in *M/s. Shalimar Works Ltd. v. Their Workmen* (AIR 1959 SC 1217)(*supra*), that merely because the Industrial Disputes Act does not provide for a limitation for raising the dispute it does not mean that the dispute can be raised at any time and without regard to the delay and reasons therefor. There is no limitation prescribed for reference of disputes to an industrial tribunal, even so it is only reasonable that the disputes should be referred as soon as possible after they have arisen and after conciliation proceedings have failed particularly so when disputes relate to discharge of workmen wholesale. A delay of 4 years in raising the dispute after even re-employment of the most of the old workmen was held to be fatal in *Mis. Shalimar Works Limited v. Their Workmen* (AIR 1959 SC 1217\supra), In *Nedungadi Bank Ltd. v. K.P. Madhavankutty and others* AIR 2000 SC 839(*supra*) , a delay of 7 years was held to be fatal and disentitled to workmen to any relief. In *Ratan Chandra Sammanta and others v. Union of India and others* (1993 AIR SCW 2214 (*supra*), it was held that a casual labourer retrenched by the employer deprives himself of remedy available in law by delay itself, lapse of time results in losing the remedy and the right as well. The delay would certainly be fatal if it has resulted in material evidence relevant to adjudication being lost and rendered not available. However, we do not think that the delay in the case at hand has been so culpable as to disentitle the appellants for any relief. Although the High Court has opined that there was a delay of 7 to 9 years in raising the dispute before the Tribunal but we find the High Court factually not correct. The employment of the appellants was terminated sometime in 1985-86 or 1986-87. Pursuant to the judgment in *Daily Rated Casual Employees under P and T Department v. Union of India* (AIR 1987SC 2342X*supra*), the department was formulating a scheme to accommodate casual labourers and the appellants were justified in awaiting the outcome thereof. On 16-1-1990 they were refused to be accommodated in the scheme. On 28-12-1990 they initiated the proceedings under the Industrial Disputes Act followed by conciliation proceedings and then the dispute was referred to the Industrial Tribunal-cum-Labour Court. We do not think that the appellants deserve to be non-suited on the ground of delay."

e) In the case of **Ratan Chandra Sammanta and others Vs. Union of India and others 1993 AIR SCW 2214**, wherein Hon'ble Apex Court have held that,

" Delay itself deprives a person of his remedy available in law. In absence of any fresh cause of action or any legislation a person who has lost his remedy by lapse of time loses his right as well. From the date of retrenchment if it is assumed to be correct a period of more than 15 years has expired and in case we accept the prayer of petitioner we would be depriving a host of others who in the meantime have become eligible and are entitled to claim to be employed."

Therefore, in view of the law laid down by the Hon'ble Apex Court as discussed above and in the absence of any plausible explanation by Petitioner for such inordinate delay in filing the present claim of the Petitioner is barred by limitation due to inordinate delay and latches.

Thus, Point No.I is answered accordingly.

9. **Point No.III:** Petitioner in petition states that he was appointed as employee on 11.2.1987 and became permanent during the course of service in Respondent Company. Petitioner could not attend to his duties during the year 2006 due to his ill-health and show cause notice dated 27.4.2001 was issued to him. Petitioner submitted a reply on 20.6.2001, that could not be considered by the Respondent Company and dismissed the services of the Petitioner through proceeding No.SRP/PER/35A/02/5461, dated 5.12.2002.

10. On the other hand, Respondent submits that the Petitioner was initially appointed in the Company on 24.3.1987 and regularized as Coal filler. While he was working at RK-8 incline, Sreerampur Area, he had put in 78 musters during the calendar year 2000 and remained absent to duties unauthorizedly on all other days in the year which constituted misconduct under Company's Standing Orders No.25.25. Hence, he was issued with a charge sheet bearing RK8/5/2k1/1197, dated 22-4-2001 under Company's Standing Orders No. 25.25 for the misconduct committed by him which reads as follows:

"25.25: Habitual late attendance or habitual absence from duty without sufficient cause."

The petitioner had received the charge sheet, but he did not submit his written explanation to the charge sheet issued to him nor did he appear for the enquiry fixed on 5.5.2001. Respondent submits that enquiry notices vide letters

dated 30.7.2001 and 29.8.2001 were sent to the petitioner to attend for enquiry on 10.8.2001 and 14.9.2001 respectively. The petitioner received the same on 2.8.2001 and the petitioner did not attend the enquiry fixed on the above dates. Finally an enquiry notice dated 20.9.2001 was sent to the petitioner to attend the enquiry on 13.10.2001. Though the petitioner had received the enquiry notice he did not attend the enquiry on the said date. It is submitted that inspite of ample opportunity was given to the petitioner to attend the enquiry and to defend his case, he did not attend for the enquiry on any of the above said dates. Hence, an ex parte enquiry was conducted on 13.10.2001 by the Enquiry Officer. It is submitted that the enquiry was conducted on 13.10.2001 adhering to the principles of natural Justice. The Presenting Officer and the management witnesses deposed their evidence. Further, the documentary evidence was produced by the management to substantiate the charges leveled against the petitioner. The Enquiry Officer on the basis of evidence adduced in the enquiry and after appreciating all the recorded evidence, submitted his report in which the petitioner was held to be guilty of the charges leveled against him under Company's Standing Orders No.25.25. Respondent also submits that the petitioner was supplied a copy of the Enquiry report and proceedings vide letter NoRK8/43/R/ 6B/2002/2 13, dated 24.1.2002 wherein he was advised to submit his representation if any, against the findings of the enquiry officer within seven days of receipt of the letter. The petitioner received the letter dated 24.1.2002 along with its enclosures and on this, the petitioner had submitted representation which was received on 1.2.2002 stating that due to his ill health for two years he did not attend for duty, and not to become his three children as orphans, he requested the management to excuse him and to allow him for duty. It is submitted that the Disciplinary Authority after going through the entire enquiry proceedings, and after evaluating all the evidence on record, and the representation submitted by the petitioner, concurred with the findings of the enquiry officer. Since the charges levelled and proved in the enquiry were grave and serious in nature warranting punishment of dismissal and as there were no extenuating circumstances to take a lenient view, the petitioner was dismissed from Company's Services w.e.f. 5.12.2002. It is to mention here that the petitioner was a chronic and habitual absentee and did not put in at least 190 attendances as expected from an underground workman during the years from 1998 to 2000 and he remained absent from duty without sanctioned leave, sick or sufficient cause and did not bother to communicate to the mine authorities about his inability at any point of time, which clearly establish the fact that he was not interested in his job. Further, it is submitted that Respondent has been operating Dispensaries, Area Hospitals and Main Hospital to extend medical facilities/aid to its employees, their dependant family members. The petitioner, if really was suffering from health problems, he ought to have reported sick in Colliery Hospital; he ought to have requested for sanction of leave to his credit or for sanction of loss of pay leave, but without availing these channels, he chose to remain absent from duties unauthorizedly. Therefore, the management was constrained to dismiss the petitioner, from the service of the Company with effect from 5.12.2002.

11. The perusal of the documents pertaining to Departmental Enquiry filed by the Respondent goes to show that the Petitioner workman has put in only 78 musters in a year wherein as per rule he is required to maintain 190 musters in a year. Moreover, Petitioner remained absent from duties without sanction of the leave from Competent Authority and he did not intimate authority within time as per rule. Petitioner has taken the plea for unauthorized absence from duties that due to illness he could not attend duty. It is submitted that during the enquiry number of notices were sent and served upon the Petitioner to explain his absence but he failed to avail the opportunity during the enquiry for the reasons best known to him and he remained absent despite the service of notice. If he would have appeared before the enquiry and have submitted his explanation regarding his unauthorized absence that might have considered by the Enquiry Officer. But he chose not to avail that hearing opportunity. Now, he can not blame the Respondent for action of his termination from service. Moreover, he has taken plea that he fell ill during the absent period but neither he tried to intimate the authority about his illness nor he has filed any document pertaining to his illness or treatment. No evidence of treatment of illness has been filed by the Petitioner to corroborate his plea. No explanation furnished by him as to why he did not go to Company hospital for treatment. Therefore, in the absence of said explanation and evidence, the plea of Petitioner regarding his illness is not acceptable. Since charge levelled against Petitioner for misconduct of absenteeism from duty has been proved during the enquiry and domestic enquiry has been held legal and valid vide order dated 22.7.2019, the plea taken by Petitioner is not tenable.

12. Having perused the enquiry proceeding along with the enquiry report, I am of the view that Enquiry Officer has appreciated the evidence recorded during the enquiry and submitted his reasoned report holding the Petitioner guilty of the charges of misconduct. Therefore, no case is made out to hold that domestic enquiry suffers from any procedural lapse in following the principles of natural justice, thereby causing any prejudice to the rights of the Petitioner. Therefore, the action of the Respondent Management is held legal and justified.

This Point No.III is answered accordingly.

13. **Point No.IV:** Once domestic enquiry is held legal and proper, the next question arises whether the punishment imposed on the Petitioner is just and legal or is it disproportionate to the gravity of the charges. In this regard Respondent Counsel submits that the Petitioner remained absent from duty for long periods in the year 2000 without any sanctioned leave or without any intimation to the competent authority. It is also submitted that Petitioner was a chronic and habitual absentee and did not put in least 190 musters attendance during the years 1998 to 2000 also. The contention of the Respondent has not been countered by the Petitioner. However, the Petitioner

had just put in 78 musters in the year 2000. Prior to the year 2000, or three consecutive years 1997, 1998 and 1999 Petitioner did not complete the required musters of duty. Therefore, the Petitioner's conduct towards regarding his duty was negligent and delinquent and the Respondent employer has no option but to dismiss the Petitioner from the service. Since the Petitioner was chronic and habitual absentee and no employer would ever allow or support such behavior of his employee in such circumstances. The employer had therefore, every right to initiate domestic enquiry against the employee for such serious misconduct and behavior. Therefore, charge against the Petitioner was of serious nature of misconduct and order of dismissal passed against the Petitioner can not be faulted with or in any way disproportionate to the gravity of the charges, in other words, punishment of dismissal was proportionate with the gravity of the charges, hence deserves to be upheld. The following decisions are relevant on this point:-

1. **Apex Court in State of U.P. V. Ashok Kumar Singh 1996 (1) SCC 302, wherein the Apex Court had held:-**

*"Having noticed the fact that the first respondent has absented himself from duty without leave on several occasions, we are unable to appreciate the High Court's observation that 'his absence from duty would not amount to such a grave charge. Even otherwise on the facts of this case, there was no justification for the High Court to interfere with the punishment holding that 'the punishment does not commensurate with the gravity of the charge' especially when the High Court concurred with the findings of the Tribunal on facts. No case for interference with the punishment is made out."*

2. **In the case of North Eastern Karnataka R.T. Corpn. v. Ashappa decided on 12 May, 2006 wherein, the Apex Court had held:-**

*"Remaining absent for a long time, in our opinion, cannot be said to be a minor misconduct. The Appellant runs a fleet of buses. It is a statutory organization. It has to provide public utility services. For running the buses, the service of the conductor is imperative. No employer running a fleet of buses can allow an employee to remain absent for a long time. The Respondent had been given opportunities to resume his duties. Despite such notices, he remained absent. He was found not only to have remained absent for a period of more than three years, his leave records were seen and it was found that he remained unauthorisedly absent on several occasions. In this view of the matter, it cannot be said that the misconduct committed by the Respondent herein has to be treated lightly."*

3. **In Delhi Transport Corporation v. Sardar Singh [(2004) 7 SCC 574], the Apex Court held:**

*"11. Conclusions regarding negligence and lack of interest can be arrived at by looking into the period of absence, more particularly, when same is unauthorised. Burden is on the employee who claims that there was no negligence and/or lack of interest to establish it by placing relevant materials. Clause (ii) of para 4 of the Standing Orders shows the seriousness attached to habitual absence. In clause (i) thereof, there is requirement of prior permission. Only exception made is in case of sudden illness. There also conditions are stipulated, non-observance of which renders the absence unauthorised."*

Therefore, in view of the fore gone discussion and decisions of Hon'ble Apex Court I am of the considered view that the order of dismissal passed against the Petitioner can not be faulted with or in any way disproportionate to the gravity of the charges.

Thus, Point No.IV is decided accordingly.

18. **Point No.V:** In view of the finding given in Point Nos. I to IV, the Petitioner is not entitled to get any relief and this petition is found to be baseless, hence, liable to be dismissed.

Thus, Point No.V is answered accordingly.

**Result:**

The action of the General Manager, M/s. Singareni Collieries Company Ltd., Sreerampur Area, Adilabad Distt., terminating the services of Sri Gudala Rayalingu, Ex-Coal Filler, RK-8 Inc., Sreerampur Area with effect from 5.12.2002 is justified. Hence, petition stands dismissed. The workman is not entitled to any relief as prayed for.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 3<sup>rd</sup> day of October, 2023.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

Witnesses examined for the

Petitioner

NIL

Witnesses examined for the

Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 22 नवम्बर, 2023

**का.आ. 1847.**—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इंडियन फार्मर्स फर्टिलाइज़र कोऑपरेटिव लिमिटेड के कारखानों और स्थापनाओं के नियमित कर्मचारियों को उक्त अधिनियम के प्रचालन से छूट प्रदान करती है, यह छूट राजपत्र में इस अधिसूचना के प्रकाशन होने की तारीख से एक वर्ष की अवधि के लिए, प्रभावी रहेगी।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है; अर्थात्:-

- (1) कारखाना और स्थापना छूट प्राप्त कर्मचारियों के नाम और पदनाम विनिर्दिष्ट करते हुए, कर्मचारियों का एक रजिस्टर रखेगी;
- (2) कर्मचारी उक्त अधिनियम के अधीन ऐसे फायदे प्राप्त करते रहेंगे जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट प्रदान करने की तारीख से पूर्व संदत्त अंशदानों के आधार पर हकदार हो जाते हैं;
- (3) छूट प्राप्त अवधि के लिए, यदि कोई अभिदाय पहले ही किए जा चुके हों, तो वे वापस नहीं किए जाएंगे;
- (4) उक्त कारखाने और स्थापना का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम (जिसे इसमें इसके पश्चात उक्त अवधि कहा गया है) प्रचालन के अधीन था ऐसी विवरणियां, ऐसे प्ररूप में और ऐसी विशिष्टियों से युक्त होगी जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी अपेक्षित होती थीं;
- (5) उक्त अधिनियम की धारा 45 की उप धारा (1) के अधीन निगम द्वारा नियुक्त किया गया कोई सामाजिक सुरक्षा अधिकारी या इस प्रयोजन के लिए निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी-
  - (i) उक्त अधिनियम की धारा 44 की उप धारा (1) के अधीन, उक्त अवधि के लिए प्रस्तुत किसी विवरण में अंतर्विष्ट विशिष्टियों को सत्यापित करने; या
  - (ii) यह अभिनिश्चय करने के लिए कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाअपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या
  - (iii) यह अभिनिश्चय करने के लिए कि कर्मचारी, नियोजक द्वारा दिये गए उन फायदों को, जिसके फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार है या नहीं; या
  - (iv) यह अभिनिश्चय करने के लिए कि उस अवधि के दौरान, जब उक्त कारखाने और स्थापना के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं, निम्नलिखित कार्य करने के लिए सशक्त होगा-
    - (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे इस अधिनियम के प्रयोजन के लिए आवश्यक समझता है ; या

- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिभोगाधीन, किसी कारखाने, स्थापना, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह कार्मिक के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या अव्यवहित नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति को, जो ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में पाया जाए, यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
- (घ) ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा, बही या अन्य दस्तावेज की नकल तैयार करना या उद्धरण लेना; या
- (ङ) ऐसी अन्य शक्तियों का प्रयोग करना जैसा विहित किया जाए।
- (6) विनिवेश या निगमीकरण के मामले में, प्रदान की गई छूट स्वतः रद्द हो जाएगी और तब नई इकाई को छूट के लिए समुचित सरकार को आवेदन करना होगा।

[सं. एस-38014/08/2020-एस.एस-1]

डी. एम. खरे, अवर सचिव

New Delhi, the 22nd November, 2023

**S.O. 1847.**—In exercise of the powers conferred by section 88 read with section 91 A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of factories and establishments of **Indian Farmers Fertiliser Cooperative Limited** from the operation of the said Act for a period of one year from the date of publication of this notification in the Official Gazette.

2. The exemption is subject to the following conditions, namely:-

- (1) the factories and establishments shall maintain a register of the employees specifying the names and designations of the exempted employees;
- (2) the employees shall continue to receive such benefits under the said Act to which they would have been entitled to on the basis of the contribution paid prior to the date from which exemption granted by this notification operates;
- (3) the contribution for the exempted period, if already paid, shall not be refundable;
- (4) the employer of the said factory and establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred as the said period), such returns in such forms and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) a Social Security Officer appointed by the Corporation under sub-section (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf by it, shall, for the purpose of —
  - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 of the said Act for the said period; or
  - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
  - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

- (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory and establishment to be empowered to —
- (a) require the principal or immediate employer to him such information as he may consider necessary for the purpose of this Act; or
- (b) at any reasonable time enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or
- (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises; or
- (e) exercise such other powers as may be specified.
- (6) in case of disinvestment or corporatisation, the exemption granted shall stand cancelled and then the new entity may apply to the appropriate Government for exemption.

[No. S-38014/08/2020-SS-I]

D. M. KHARE, Under Secy.